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## Bassin

#### Guns are a symbol of domination and patriarchal social norms

Bassin 97, Alana. *Why Packing a Pistol Perpetuates Patriarchy*. Hastings Women’s Law Journal Volume 8 | Issue 2, Article 5. 9/1/1997. (Bassin is a law clerk for the Honorable William A. Neumann, North Dakota Su- preme Court. She is a graduate of Queen's University, Canada, where she received a Bachelor of Honors Commerce and Bachelor of Arts and the University of North Dakota School of Law, where she received her Juris Doctor with distinction.) NP 12/1/15.

Firearms are a source of male domination - a symbol of male power and aggression. First, the gun is phallic. Just as sex is the ultimate weapon of patriarchy used to penetrate and possess women, and the gun's sole purpose is to intrude and wound its victim. Historically, men have used guns to conquer and dominate other peoples. European men first developed small arms between the Fourteenth and SIxteenth centuries for use in warfare. By the 1600s, guns were a common weapon of war for soldiers in Europe. In Colonial America, every male serving in the militia was required to carry a gun. Today, firearms and missile are the backbone of the modern military, arguably America's most patriarchal institution. Beyond war, guns also have played a significant role in perpetuating patriarchy. During the slave trade, men traded firearms in Africa for slaves. At common law, guns were used to protect a man's home and all his possessions, including his wife. In the private sphere, the gun is passed down from father to son for hunting, a sport that continues to be a "rite of passage" for many young males. Even in today's media, movies and television glorify "guns and guys," often employing gun showdowns between the "good guys" and the "bad guys" as their focal point.

#### The Second Amendment is a tool to impose patriarchal norms – women were never included in its framing

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The Second Amendment itself disregards women. Most notably, the language legitimizing the right to bear arms refers specifically to a "well 21 regulated militia," an institution that did not include women. ally, the Second Amendment was ratified by men 22 Even in today's media, movies and tele- Addition- at a time when women had no legitimate voice in society.23 In interpreting the Constitution, schol- ars and judges often rely on the framers' intent.24 Because none of the framers were women, women's views and voices were never heard. As a result, the absence of a female view during the creation of the rigpt to bear arms critically impacts society. Although feminist theory was not as developed two hundred years ago as it is today, much of the philosophy behind modern feminist thinking was in the making during the ratification of the Constitution and Bill of Rights and may have been available to lend theoretical commentary. Akin to mod- ern formal equalists, many colonial women may have questioned whether the right to bear arms applied to men and women equally.25 Also, corresponding to women's different voice theory, many colonial women may have been concerned with the impact of individual gun ownership on the community's safety.26 Or other colonial women, viewing female oppression to be analo- gous to racial oppression,27 may have protested the use of individual gun ownershIp to suppress race an save riots. Nonetheless, the impact of the woman's voice on the right to bear arms will remain a mystery. Consequently, the Second Amendment will remain a male-imposed law in a society where generally men own guns, use guns to commit violent crimes, and oppose gun control.29 II.

#### Handgun deaths in places with comparable social conditions and strict gun laws are significantly lower than the U.S.

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In 1992, handguns caused 13,220 deaths in the United States.34 The United States total exceeds the combined total of Great Britain, Sweden, commit violent crimes, and oppose gun contro1. 35 These countries have stricter gun restrictions. In Great Britain, where peo- Switzerland, Japan, Australia, and Canada by nearly 13,000 deaths. In Great Britain, where 36 people generally only use firearms at gun clubs, 33 people died. In Sweden, where a person must be licensed to carry a handgun, only 36 people died.37 In Switzerland, where a background check is performed, a permit is re quired, and a handgun must be registered, 97 people died. 38 In Japan, where private ownership is prohibited except for gun collectors or licensed shooting teams, 60 people were killed.39 In Australia, where a background check is performed and a license is required (usually only granted for business secu- 40 rity reasons or target shooting), 13 people died. In Canada, where a 28 day cooling-off period is imposed, a background check is performed, a permit is required, a photo is needed to buy a gun, and a special permit is needed to 41 possess it, 128 people died. Critics argue that these statistics do not accurately represent the possible effects gun control laws would have on the United States, which has a unique culture. A comparison of North American cities, however, reflects the same results. For example, Vancouver and Seattle have comparable histories, socio-economic strata, media exposure, and burglary, robbery and assault rates. Yet Seattle's homicide rate is sixty percent higher than Van- 42 couver's homicide rate. gun control laws in the mid-Eighties which reduced homicides by 25% and suicides by 23%:43 "Criminals didn't, in other words, kill with a knife if they couldn't find a gun.,,44

#### Guns in homes don’t promote safety – they increase risks of accidents, violence, and suicide

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Gun control laws also advance safety in the home. When women pur- chase guns for self-protection and keep them loaded in their purses or bed- side tables, women allow accessibility to children and others--one trigger pull away from deadly accidents. Consequently, gun-related accidents 45 plague homes. Statistics show that the presence of a gun in the home nearly triples the chance of homicide occurring there. 46 Furthermore, guns kept in the home for self-protection are 43 times more likely to kill a family member or a friend than an intruder.47 Other statistics show that suicidal adolescents are twice as likely to kill themselves if they have access to a gun 48 at home.

#### Guns in home expose people who suffer from domestic violence to death and more abuse

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For victims of domestic violence, the freedom to purchase a gun also can be lethal. In the United States, domestic violence is the leading cause of injury for women between the ages of 15 [and]\_44.49 Between 2-4 million incidents of domestic violence occur each year.50 Of those, an estimated 51 150,000 are gun-related. When there is a gun at home, women subjected to one incident of physical abuse at home are almost five times more likely to be murdered or fatally shot in a later instance of physical abuse.52 An Atlanta study about domestic violence involving guns found that death was 53 twelve times as likely to occur. Overwhelmingly, it was women who died. Therefore, although the option to buy a gun exists in society, buying guns is not an answer to violence in the United States, nor is it the answer to women's safety concerns. On the contrary, fewer guns and stronger gun control laws statistically have proven to be more effective.

#### Guns aren’t empowering – the NRA’s lying to women and some of them bought it

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The NRA and gun manufacturers have capitalized on the violence in the United States, and although some women perceive buying guns as empower- ing, these women have actually become victims of marketing campaigns and fear tactics. First, in the late 1980s, the gun industry, realizing the male gun market was saturated, focused on women as a new focus groUp.54 In the name of feminism and motherhood, the gun industry and the NRA aggres- sively pursued their new consumers: women, aged 25-40, mostly profes- sionals, with a median income of $55,000.55 Then, in February 1989, Smith and Wesson produced the Lady Smith,TM a handgun designed for women. According to them, it is elegant yet practical.56 Soon after, a large number of gun advertisements focused on societal violence toward women, most often "stranger danger.,,57 Adver- tisements headlined phrases such as: "Things that go bump in the night aren't always your imagination ....,,;58 "You thought no one could fit in your back seat . . . . ,,;59 and "Self-protection is more than your right . . . it's your responsibility," with a picture of a mother tucking her child into bed.60 The NRA's advertisements were similar, with headlines such as: "Should you shoot a rapist before he cuts your throat?," and "He's followed you for two weeks. He'll rape you in two minutes. Who Cares?,,61 The gun indus- try capitalized on women's fears by stressing the danger of rapists, stalkers, and burglars. Yet violence against women is generally not committed by "strangers in the night" but by known acquaintances.62 More than twice as many women are shot and killed by their husbands or lovers than by strang- ers,63 leaving only a small percentage of violent crime victims who success- 64 fully use a gun to defend themselves against strangers.

#### Firearm prevalence disproportionately impacts minorities

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Furthermore, there is a disproportionate impact of gun violence in lower 83 income communities and African-American communities. the leading cause of death for African-American males aged 15-34 is gun- wounds. shot wounds. 84 For example, The age adjusted death rate for fIrearm injuries on the Afri- can-American population is three times that of the white population. 85 Three out of five young people murdered are killed with guns, wherein a significant portion of the murders occur in the inner cities where poverty is the great- 86 est: “As one Los Angeles Gang member told Ted Koppel of Nightline, the difference between the Watts 25 years ago and the most recent turbulence was the prevalence o f Uzis and assault weapons . . . . ,,87

#### Defending women’s right to gun ownership only focuses on women with privilege, ignoring broader struggles of minority communities and ultimately undermining collective empowerment.

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Unfortunately, women often perceive the norm in society according to "white, middle class, heterosexual, able-bodied, and otherwise privileged" "As one Los Angeles gang member told Ted Koppel of Nightline, the 88 women who are most interested in gun ownership are privileged women and 89 standards and ignore realities concerning other women. Not surprisingly, not subject to inner city gun violence. Women, however, who pack pistols have more to consider than personal empowerment. Guns in society are taking a heavy toll on lower-income, often non-white, communities. Packing a pistol may promote personal safety, but it does not end the violence in 90 these areas. Women who have a voice in society have a responsibility to address gun oppression on women and people of all races and incomes. Ignoring the impact of gun violence in the inner cities affronts the entire premise of liberty for which women have been fighting.

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Nevertheless, even if the impact of guns on inner city communities does not trouble gun-toting women, endorsing broad individual gun ownership is detrimental to society as a whole. A gun is only an effective self-defense tool if the attacker is not armed. If society accepts that gun ownership is necessary for survival, eventually everyone will possess a gun. The gun will no longer be an equalizer. It will be a lethal weapon accessible to any frus- trated person.92

## Blumenfeld

#### Opposition to firearm regulations is based in patriarchal social norms of hypermasculinity and social domination – firearm regulations challenge this.

Blumenfeld 15, Warren. Patriarchy, Toxic Hyper Masculinity, & Firearms. <http://goodmenproject.com/featured-content/patriarchy-toxic-hyper-masculinity-firearms-wcz/> November 8th, 2015. NP 12/1/15.

In my attempt to come to an understanding as to why so many people oppose and resist common sense firearms safety regulations, I have developed a proposition that regulations on firearms challenge the promises of a patriarchal system based on notions of hyper-masculinity with the elements taken to the extreme of control, domination over others and the environment, competitiveness, autonomy, rugged individualism, strength, toughness, forcefulness, and decisiveness, and, of course, never having to ask for help or assistance. Concepts of cooperation and community responsibility are pushed to the sidelines and discarded. Recently, to test out my theory, I distributed to a number of Facebook pages my understanding for the reasons why the United States remains among the last of the more developed Western countries to resist instituting meaningful and appropriate firearms safety measures. Coming from the vast majority of sites devoted to enhancing firearms safety, members responded very positively, as if what I proposed was obvious, as common sense, and as indisputable. Examples of comments I received from these sites included: “Spot on analysis,” “Brilliant!,” “You said something I have been thinking for years, but you articulated it so well,” “Thank you for your clarity,” as well as providing some alternative explanations such as: “Follow the Money. Straight to the NRA from Colt, Remington and Smith & Wesson. It is NOT really about the 2nd Amendment for a ‘well regulated militia’; it is about selling weapons to the market of frightened people.”

#### Case studies prove – defense of firearms under the guise of individual rights and prevention of governmental tyranny is super patriarchal and re-entrenches sexism, homophobia, cis-sexism

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Demographics and Methodology Following my initial statements on this Facebook page, approximately 120 or so different people responded. From what I could perceive of their genders or gender identities, no one identified as transgender, while only three identified as female. I could not determine the “racial” identities of the respondents since members did not identify in racial terms. After I downloaded all of the comments, I coded all responses to identify any emerging themes. To my disappointment, but unfortunately not of much surprise, only 4 or 5 of the total number of responders made some form of reasoned or informed points, from wanting to protect their families to, for the women responders, warding off potential rapists. In addition, two made attempts at standing up to restrain the vast majority who responded out of rage and attack. While the upstanders efforts did not prove effective, at least they tried. For the remainder of the members who posted during this time, rather than discussing or debating, they spewed venomous attacks in the form of name calling, character assassination, and direct threats. I report the forms it took. I have kept the language exactly as responders delivered it. I also include a number of the memes they posted according to the themes that emerged.

Calling My Masculinity into Question Most members tapped into the larger societal hierarchy of masculinity in terms of the binary of the “Alpha Male” literally and figuratively on top versus the “Beta Male” on the bottom. According to the definitions on Urban Dictionary: “Alpha Male”: “1. The leader of the pack/herd/etc. 2. The dominant male, 3. The main source of population.” I also found the definition of “Alpha Male Syndrome,” which I surmise most members on the Facebook site would not embrace, since it is a “psychological ailment when a guy always has to push or boss others around, start fights, talk shit, makes himself the center of attention, assume responsibility for anyone else’s triumph while also pushing the blame for his fuck-ups onto others.” “Beta Male”: “an unremarkable, careful man who avoids risk and confrontation. Beta males lack the physical presence, charisma, and confidence of the Alpha male.” All responses associated with this hierarchy referred to me as “Beta” for the purpose of dismissing anything I have to say. I include only a few representative examples: “He’s a beta male = no relevance.” “That’s some beta male nonsense right there.” “If ever there were a poster boy for beta male…” followed by my Facebook picture with my three dogs: pg1 In response to my initial posting: “Translation: Yada-yada, buzzword, buzzword, buzzword city, beta male cuckholdry, whining, hail Karl Marx, more yadas and finish off with a death to America.” pg2 ◊♦◊ Defense of Hyper-Masculinity: “…every one of those [elements of hyper-masculinity that Blumenfeld listed on his initial posting] can be attributed to natural human nature. Take that away, and we’d all be a bunch a limp wristed pussies.” pg3 pg4 pg5 pg6 pg7 ◊♦◊ Heterosexism & Cissexism Again, for the purpose of dismissing me, they [or] referred in negative terms to my sexual identity or my gender expression, which they could easily determine by accessing my Facebook page or by initiating a google search. “The only thing missing from his comment is a cute, transparent rainbow over his profile pic.” “Fgt” [Faggot] “A very learned, articulate, self flagellating fag. Good riddance.” [This posting represents the only complement to my intelligence.] “Man this oke right here sounds like he went to a Re-Education Camp. I hope they didn’t cut your balls off Boet.” pg8 pg9 pg10 ◊♦◊ Femininization / Sexism One of the most exploited ways of degrading males within our overarching patriarchal sexist society is to feminize or demasculinize males. This exposes our society’s blatant and covert forms of misogyny. “Warren….Aren’t you late for your bikini wax?” “Another liberal dipshit trying to pussify the American male. Go be a hipster somewhere else.” “This moron needs to go back to Star Bucks, sip his Latte, and shut his fucking douchey mouth. What a mouth breathing dick bag… Seriously…” “Another ‘I’m smarter and more enlightened then you’ liberal douchebag, who’s nowhere near as original as he believes he is. Fuck outta here with that shit.” “Wtf [What the fuck] are you people smoking?! I’m an INDIVIDUAL. That’s not negotiable. Shove this leftist/globalist community bullshit back in whatever orifice you dug it out of. Pansy ass apologists are the reason this Country faces destruction from within.” pg11 pg12 pg13 I observed in many of the respondents’ comments linking feminization and what I thought was the extinct concept of the “hippy.” Also, I see that going to Starbucks also is feminizing. “Trying to drop hippy buzzwords like patriarchal and transabled and overly masculin or masculinization or whatever the fuck else is hip right now. Piss off hippy, I discredit you when you when you do this. It truly does make you a regurgibot. That is a robot that regurgitates the bullshit you soak up in the liberal robot factory/marxist indoctrination system such as liberal biased media driven sensationalist clown colleges across North America. Go piss up a rope and let the adults talk you tight pants scarf combo wearing Starbucks loving social experiment.” pg15 ◊♦◊ Ableism “Translation: I throw out big words to sound intellectual when I’m actually a fucking retard who is beyond help.”pg16 ◊♦◊ Dehumanization I have learned many lessons in my studies of genocides perpetrated throughout the ages. Strong leaders whip up sentiments by employing dehumanizing terminology and images while stereotyping and scapegoating entire groups, while other citizens or entire nations look on, often refusing to intervene. Everyone, not only the direct perpetrators of oppression, plays a vital role in the genocides. On a micro level, this is also apparent, for example, in episodes of schoolyard, community-based, as well as electronic forms of bullying. A number of respondents represented me in dehumanizing terms. Some represented me as a dog, or attacked my dogs to attack me: “Dude looks like he rubs peanut butter on him so his dogs can lick it off.” “What did those poor dogs to desreve a complete a idiot? “You see dogs, I see snake food.” “What dogs? You mean those wussified rats?” One member literally converted me into a dog: pg17 Many referred to me as a “sheep,” while others distanced themselves from being placed in this category of “sheep”: “You’ve strung a bunch of intelligent sounding words together in an attempt to portray yourself as a learned individual, but have merely come across as a pseudo-intellectual sheep.” “I’m not a sheep, so no I’m not standing for anymore gun control.” If members do not consider themselves as Sheep as they “accuse” me, I wonder whether they envision themselves more as Wolves or as Sheepdogs? I ask this after seeing the film, “American Sniper,” in which the protagonist, Chris Kyle (played by Bradley Cooper) remembered something he learned from his father (played by Ben Reed) when he was young: Wayne Kyle: [to his two sons]: “There are three types of people in this world: sheep, wolves, and sheepdogs. Some people prefer to believe that evil doesn’t exist in the world, and if it ever darkened their doorstep, they wouldn’t know how to protect themselves. Those are the sheep. “Then you’ve got predators who use violence to prey on the weak. They’re the wolves. “And then there are those blessed with the gift of aggression, an overpowering need to protect the flock. These men are the rare breed who live to confront the wolf. They are the sheepdog.” I am assuming that the majority of members on this Facebook page see themselves as “Sheepdogs” as protectors of us flock of sheep. What I experienced, however, was a pack of wolves. ◊♦◊ Threat of Violence: One of Suzanne Pharr’s common elements of oppression centers on the threat and use of violence by dominant groups who have defined and imposed the social norms upon those who do not or will not conform to these norm. [people said] In addition, Iris Marion Young lists “violence” as one of her five “faces” in her taxonomy looking at the common factors involved in privilege and oppression. “Warren J. Blumenfeld do the world a favor and go chug some bleach” “Die. Just die. Today. Fucking Liberals.” “Just yell ‘fuck the a.i.d.s. straight into that little pin dick of yours’. Followed by ‘since I was diagnosed its been forever since I’ve had a good fucking’”. pg18 ◊♦◊ Analysis While most of the respondents claimed their “individuality,” I perceived the opposite. They marched in virtual lock step in attaching me. It was as if they acted in unison like a school of Piranha fish going after an evening meal. After a short while, their names became virtually interchangeable from the words that followed. Unfortunately, the vast majority of people who responded simply confirmed my initial posting regarding the patriarchal system on which our country persists by exemplifying the notion of the people who want their guns simply because they want their guns, without providing, for the most part, rational justifications. As I have indicated in past commentaries, they echoed one another about a supposed tyrannical government waiting to take away individual freedoms, and about invaders and “aliens” waiting to overrun their space, which only an arsenal of weapons could ever counter. And they asserted that I have the irrational fear of firearms, so-called hoplophobia. ◊♦◊ My final comment on their website included the following: “As you know, a very contentious debate is currently underway in our country regarding the role and future of firearms. Unless and until you develop substance over bluster, you will ultimately lose the debate since you don’t know how to debate. Currently, you hold the balance of power in the public imagination, but this will be short lived if you don’t revert from attack, threat, and dehumanization of your opponents to informed arguments. In the end, bullying never succeeds in getting bullies what they want.”

## McMahan

Wider access to guns doesn’t lead to self-defense

McMahan 12, Jeff. Why Gun ‘Control’ Is Not Enough. opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?\_r=0 December 19, 2012. NP 12/7/15

One would think that if widespread gun ownership had the robust deterrent effects that gun advocates claim it has, our country would be freer of crime than other developed societies.  But it’s not.  When most citizens are armed, as they were in the Wild West, crime doesn’t cease.  Instead, criminals work to be better armed, more efficient in their use of guns (“quicker on the draw”), and readier to use them.  When this happens, those who get guns may be safer than they would be without them, but those without them become progressively more vulnerable. Gun advocates have a solution to this: the unarmed must arm themselves.  But when more citizens get guns, further problems arise: people who would once have got in a fistfight instead shoot the person who provoked them; people are shot by mistake or by accident.

And with guns so plentiful, any lunatic or criminally disposed person who has a sudden and perhaps only temporary urge to kill people can simply help himself to the contents of Mom’s gun cabinet.  Perhaps most important, the more people there are who have guns, the less effective the police become.  The power of the citizens and that of the police approach parity.  The police cease to have even a near-monopoly on the use of force.

To many devotees of the Second Amendment, this is precisely the point.  As former Congressman Jay Dickey, Republican of Arkansas, said in January 2011, “We have a right to bear arms because of the threat of government taking over the freedoms we have.”  The more people there are with guns, the less able the government is to control them.  But if arming the citizenry limits the power of the government, it does so by limit[s]ing the power of its agents, such as the police. Domestic defense becomes more a matter of private self-help and vigilantism and less a matter of democratically-controlled, public law enforcement. Domestic security becomes increasingly “privatized.”

There is, of course, a large element of fantasy in Dickey’s claim. Individuals with handguns are no match for a modern army.  It’s also a delusion to suppose that the government in a liberal democracy such as the United States could become so tyrannical that armed insurrection, rather than democratic procedures, would be the best means of constraining it.  This is not Syria; nor will it ever be.  Shortly after Dickey made his comment, people in Egypt rose against a government that had suppressed their freedom in ways far more serious than requiring them to pay for health care. Although a tiny minority of Egyptians do own guns, the protesters would not have succeeded if those guns had been brought to Tahrir Square. If the assembled citizens had been brandishing Glocks in accordance with the script favored by Second Amendment fantasists, the old regime would almost certainly still be in power and many Egyptians who’re now alive would be dead.

#### Private ownership doesn’t prevent overreaches in government power – it stratifies society

McMahan 12, Jeff. Why Gun ‘Control’ Is Not Enough. opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?\_r=0 December 19, 2012. NP 12/7/15

As more private individuals acquire g**uns**, the power of the police declines, and personal security becomes a matter of self-help.

For the police to remain effective in a society in which most of those they must confront or arrest are armed, they must, like criminals, become better armed, more numerous, and readier to fire.  But if they do that, guns won’t have produced a net reduction in the power of the government but will only have generated enormous private and public expenditures, leaving the balance of power between armed citizens and the state as it was before, the unarmed conspicuously worse off, and everyone poorer except the gun industry.  The alternative to maintaining the balance of power is to allow it to shift in favor of the armed citizenry and away from the police, again making unarmed citizens — including those who refuse on principle to contribute to the erosion of collective security by getting a gun — the greatest losers overall.

The logic is inexorable: as more private individuals acquire guns, the power of the police declines, personal security becomes more a matter of self-help, and the unarmed have an increasing incentive to get guns, until everyone is armed. When most citizens then have the ability to kill anyone in their vicinity in an instant, everyone is less secure than they would be if no one had guns other than the members of a democratically accountable police force.

#### Defense of private gun ownership is criminals and gun advocates who want people to have guns

McMahan 12, Jeff. Why Gun ‘Control’ Is Not Enough. opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?\_r=0 December 19, 2012. NP 12/7/15

The logic of private gun possession is thus similar to that of the nuclear arms race.  When only one state gets nuclear weapons, it enhances its own security but reduces that of others, which have become more vulnerable.  The other states then have an incentive to get nuclear weapons to try to restore their security.  As more states get them, the incentives for others increase.  If eventually all get them, the potential for catastrophe — whether through irrationality, misperception, or accident — is great.  Each state’s security is then much lower than it would be if none had nuclear weapons.Gun advocates and criminals are allies in demanding that guns remain in private hands.  They differ in how they want them distributed.  Criminals want guns for themselves but not for their potential victims.  Others want them for themselves but not for criminals.  But while gun control can do a little to restrict access to guns by potential criminals, it can’t do much when guns are to be found in every other household.  Either criminals and non-criminals will have them or neither will.  Gun advocates prefer for both rather than neither to have them.

We should trust the government to take away our guns!

McMahan 12, Jeff. Why Gun ‘Control’ Is Not Enough. opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?\_r=0 December 19, 2012. NP 12/7/15

But, as with nuclear weapons, we would all be safer if no one had guns — or, rather, no one other than trained and legally constrained police officers. Domestic defense would then be conducted the way we conduct national defense.  We no longer accept, as the authors of the now obsolete Second Amendment did, that “a well-regulated militia” is “necessary to the security of a free state.”  Rather than leaving national defense to citizens’ militias, we now, for a variety of compelling reasons, cede the right of national defense to certain state-authorized professional institutions: the Army, Navy, and so on.  We rightly trust these forces to protect us from external threats and not to become instruments of domestic repression.  We could have the same trust in a police force designed to protect us from domestic threats.

A prohibition of private ownership would not mean that no one could shoot guns. Guns for target shooting could be rented under security arrangements at the range. And there’s perhaps scope for debate about private possession of single chamber shotguns for hunting.

Gun advocates will object that a prohibition of private gun ownership is an impossibility in the United States.  But this is not an objection they can press in good faith, for the only reason that a legal prohibition could be impossible in a democratic state is that a majority oppose it.  If gun advocates ceased to oppose it, a prohibition would be possible.

Guns aren’t the same as drugs and alcohol – banning them decreases desire to have them- empirically proven

McMahan 12, Jeff. Why Gun ‘Control’ Is Not Enough. opinionator.blogs.nytimes.com/2012/12/19/why-gun-control-is-not-enough/?\_r=0 December 19, 2012. NP 12/7/15

They will next argue that even if there were a legal prohibition, it could not be enforced with anything approaching complete effectiveness.  This is true.  As long as some people somewhere have guns, some people here can get them.  Similarly, the legal prohibition of murder cannot eliminate murder.  But the prohibition of murder is more effective than a policy of “murder control” would be. Guns are not like alcohol and drugs, both of which we have tried unsuccessfully to prohibit. Many people have an intense desire for alcohol or drugs that is independent of what other people may do. But the need for a gun for self-defense depends on whether other people have them and how effective the protection and deterrence provided by the state are. Thus, in other Western countries in which there are fewer guns, there are correspondingly fewer instances in which people need guns for effective self-defense.

Gun bans don’t violate right to self-defense

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Gun advocates sometimes argue that a prohibition would violate individuals’ rights of self-defense. Imposing a ban on guns, they argue, would be tantamount to taking a person’s gun from her just as someone is about to kill her. But this is a defective analogy. Although a prohibition would deprive people of one effective means of self-defense, it would also ensure that there would be far fewer occasions on which a gun would be necessary or even useful for self-defense. For guns would be forbidden not just to those who would use them for defense but also to those who would use them for aggression. Guns are only one means of self-defense and self-defense is only one means of achieving security against attack. It is the right to security against attack that is fundamental. A policy that unavoidably deprives a person of one means of self-defense but on balance substantially reduces her vulnerability to attack is therefore respectful of the more fundamental right from which the right of self-defense is derived.

In other Western countries, per capita homicide rates, as well as rates of violent crime involving guns, are a fraction of what they are in the United States. The possible explanations of this are limited. Gun advocates claim it has nothing to do with our permissive gun laws or our customs and practices involving guns. If they are right, should we conclude that Americans are simply inherently more violent, more disposed to mental derangement, and less moral than people in other Western countries? If you resist that conclusion, you have little choice but to accept that our easy access to all manner of firearms is a large part of the explanation of why we kill each at a much higher rate than our counterparts elsewhere. Gun advocates must search their consciences to determine whether they really want to share responsibility for the perpetuation of policies that make our country the homicide capitol of the developed world.

## Steinweis

#### Ben Carson is stupid and so is this K – this trivializes the holocaust and deeply misunderstands how history works

Steinweis 15, Alan E. Ben Carson Is Wrong on Guns and the Holocaust. www.nytimes.com/2015/10/15/opinion/ben-carson-is-wrong-on-guns-and-the-holocaust.html October 14th, 2015. (Alan E. Steinweis is a professor of history and Holocaust studies at the University of Vermont. He is the author of three books, including, most recently, “Kristallacht 1938.) NP 12/7/15.

TO anyone who studies Nazi Germany and the Holocaust for a living, as I do, Ben Carson’s statements about gun control are difficult to fathom. “I think the likelihood of Hitler being able to accomplish his goals would have been greatly diminished if the people had been armed,” the Republican presidential candidate said in a recent interview. Mr. Carson’s argument, which he made in his new book “A More Perfect Union” and was asked to defend last week, is strangely ahistorical, a classic instance of injecting an issue that is important in our place and time into a historical situation where it was not seen as important. I can think of no serious work of scholarship on the Nazi dictatorship or on the causes of the Holocaust in which Nazi gun control measures feature as a significant factor. Neither does gun control figure in the collective historical memory of any group that was targeted by the Nazi regime, be they Jews, Gypsies, the disabled, gay people or Poles. It is simply a nonissue. Continue reading the main story Sign Up for the Opinion Today Newsletter Every weekday, get thought-provoking commentary from Op-Ed columnists, The Times editorial board and contributing writers from around the world. Adolf Hitler became chancellor of Germany in January 1933, but it was only in March 1938 that the Third Reich promulgated its Waffengesetz, or weapons law, which required police permission for ownership of a handgun. Other firearms were left unregulated. If, as Mr. Carson maintains, the Nazi regime made it a priority to disarm the German population, then why did it wait more than five years to issue such a law, and why did it limit licensure to handguns? Mr. Carson also fails to mention that the democratic Weimar Republic, which had preceded the Nazi regime, had passed its own gun law, which in some respects had been more restrictive than the later Nazi version. On Nov. 11, 1938, on the basis of the weapons law, the regime issued an order prohibiting Jews from owning weapons of any kind, including swords, which many Jewish army veterans had kept as mementos from World War I. This order was issued just one day after the Kristallnacht pogrom, during which Nazi mobs attacked Jews and destroyed synagogues. The newly imposed ban on Jewish ownership of weapons must be understood as an element of the propaganda campaign launched by the Nazi regime in the wake of the pogrom. As a pretext for the Kristallnacht, the Nazis had seized upon the assassination of a low-ranking German diplomat by the Jewish teenager Herschel Grynszpan in Paris on Nov. 7. Then, in order to justify the orgy of anti-Jewish violence retroactively, the regime tried to depict German Jews as posing a physical danger to the German population as a whole. The Jews of Germany constituted less than 1 percent of the country’s population. It is preposterous to argue that the possession of firearms would have enabled them to mount resistance against a systematic program of persecution implemented by a modern bureaucracy, enforced by a well-armed police state, and either supported or tolerated by the majority of the German population. Mr. Carson’s suggestion that ordinary Germans, had they had guns, would have risked their lives in armed resistance against the regime simply does not comport with the regrettable historical reality of a regime that was quite popular at home. Inside Germany, only the army possessed the physical force necessary for defying or overthrowing the Nazis, but the generals had thrown in their lot with Hitler early on. The failure of Jews to mount an effective defense against the Waffen-SS in the Warsaw Ghetto in 1943 provides a good example of what happens when ordinary citizens with small arms go up against a well-equipped force. The uprising in the ghetto possesses enduring symbolic significance, as an instance of Jews’ determination to resist their oppression. But the uprising saved few Jewish lives and had little to no impact on the course of either World War II or the Holocaust. Jews around the world did, to be sure, react to the Holocaust by concluding that they needed to protect themselves from anti-Semites more effectively. But they understood that this would be accomplished not through the individual acquisition of firearms, but rather through the establishment of a Jewish state with an army to defend it. Mr. Carson’s remarks not only trivialize the predicament in which Jews found themselves in Germany and elsewhere in Europe during the 1930s and 1940s. They also trivialize the serious, prolonged and admirable efforts undertaken by many Germans to work through the causes of their country’s catastrophic mistakes of that period. The origins of the Nazi dictatorship are to be found in the authoritarian legacy of the German Empire, the inability to cope with the defeat in World War I and the failure to achieve political compromise during the Weimar Republic. When it comes to explaining the Holocaust, Germans inquire about the place of anti-Semitism and xenophobia in their society and about the psychological and cultural factors that led ordinary citizens to participate in, or to accept, horrific atrocities. They understand their own history well enough to avoid being distracted by demagogy about gun control. If the United States is going to arrive at a workable compromise solution to its gun problem, it will not be accomplished through the use of historical analogies that are false, silly and insulting. Similarly, coming to terms with a civilizational breach of the magnitude of the Holocaust requires a serious encounter with history, rather than political sloganeering that exploits history as a prop for mobilizing one’s base.

### MacGillis

#### Gun lobby’s getting increasingly weaker – representing it as invincible is fatalism

MacGillis 15, Alec. The Gun Lobby’s Power Is Overstated. www.nytimes.com/roomfordebate/2015/10/05/is-the-gun-lobby-still-invincible/the-gun-lobbys-power-is-overstated October 5, 2015. Alec MacGillis is a political reporter for ProPublica. He is the author of "The Cynic, the Political Education of Mitch McConnell." NP 12/7/15.

But the invincibility of the gun lobby is being overstated. For one thing, gun ownership is becoming more concentrated in a smaller share of the population, one that is increasingly clustered in certain regions, thus limiting the lobby’s political reach. For another thing, the big recent defeat for the gun-control movement, the 2013 failure to pass universal background checks for gun purchases, was a close call. Six senators with A-ratings from the N.R.A. voted for the bill; it fell just five short of the filibuster-proof 60. Had it passed the Senate, there would have been great pressure from the Sandy Hook families to bring it up for a vote in the House, and it would have needed only about 20 Republicans to pass. No, the odds of the bill being revived anytime soon are not good, with the Senate now in Republican control. But things are shifting beneath the surface. The two Democrats who voted against the bill and were up for re-election last year both lost, after getting zero backing from the N.R.A. in exchange for their vote; this will make centrist Democrats less likely to vote with the N.R.A. in the future. Meanwhile, two Democratic governors who signed tough gun laws, in Colorado and Connecticut, both won re-election in an otherwise brutal year for their party. A year earlier, Terry McAuliffe was elected governor of Virginia, the N.R.A.’s home state, while running on an outspokenly anti-N.R.A. platform. More elected officials are taking on the N.R.A. and living to tell the tale, changing the calculus for even self-interested politicians, especially if gun control supporters start to really challenge those who vote against them. There are three “no” votes on background checks with tough re-election races in swing states next year: Kelly Ayotte in New Hampshire, Ron Johnson in Wisconsin and Rob Portman in Ohio. Simply deciding that the gun control issue is a political loser is self-fulfilling, just the sort of fatalism that the N.R.A. counts on to preserve the status quo.

### Cramer

#### Gun control has a historically racist legacy

Cramer 93, Clayton E. The Racist Roots of Gun Control. https://www.firearmsandliberty.com/cramer.racism.html 1993. (Clayton E. Cramer is a software engineer with a telecommunications manufacturer in Northern California. His first book, ...By The Dim And Flaring Lamps: The Civil War Diary of Samuel McIlvaine..., was published in 1990. ...For The Defense of Themselves And The State: The Original Intent & Judicial Interpretation of the Right To Keep And Bear Arms... will be published by Greenwood/Praeger Press in 1994.) NP 12/7/15.

The historical record provides compelling evidence that racism underlies gun control laws -- and not in any subtle way. Throughout much of American history, gun control was openly stated as a method for keeping blacks and Hispanics "in their place," and to quiet the racial fears of whites. This paper is intended to provide a brief summary of this unholy alliance of gun control and racism, and to suggest that gun control laws should be regarded as "suspect ideas," analogous to the "suspect classifications" theory of discrimination already part of the American legal system. Racist arms laws predate the establishment of the United States. Starting in 1751, the French Black Code required Louisiana colonists to stop any blacks, and if necessary, beat "any black carrying any potential weapon, such as a cane." If a black refused to stop on demand, and was on horseback, the colonist was authorized to "shoot to kill." [1] Slave possession of firearms was a necessity at times in a frontier society, yet laws continued to be passed in an attempt to prohibit slaves or free blacks from possessing firearms, except under very restrictively controlled conditions. [2] Similarly, in the sixteenth century the colony of New Spain, terrified of black slave revolts, prohibited all blacks, free and slave, from carrying arms. [3] In the Haitian Revolution of the 1790s, the slave population successfully threw off their French masters, but the Revolution degenerated into a race war, aggravating existing fears in the French Louisiana colony, and among whites in the slave states of the United States. When the first U. S. official arrived in New Orleans in 1803 to take charge of this new American possession, the planters sought to have the existing free black militia disarmed, and otherwise exclude "free blacks from positions in which they were required to bear arms," including such non-military functions as slave-catching crews. The New Orleans city government also stopped whites from teaching fencing to free blacks, and then, when free blacks sought to teach fencing, similarly prohibited their efforts as well. [4] It is not surprising that the first North American English colonies, then the states of the new republic, remained in dread fear of armed blacks, for slave revolts against slave owners often degenerated into less selective forms of racial warfare. The perception that free blacks were sympathetic to the plight of their enslaved brothers, and the dangerous example that "a Negro could be free" also caused the slave states to pass laws designed to disarm all blacks, both slave and free. Unlike the gun control laws passed after the Civil War, these antebellum statutes were for blacks alone. In Maryland, these prohibitions went so far as to prohibit free blacks from owning dogs without a license, and authorizing any white to kill an unlicensed dog owned by a free black, for fear that blacks would use dogs as weapons. Mississippi went further, and prohibited any ownership of a dog by a black person. [5] Understandably, restrictions on slave possession of arms go back a very long way. While arms restrictions on free blacks predate it, these restrictions increased dramatically after Nat Turner's Rebellion in 1831, a revolt that caused the South to become increasingly irrational in its fears. [6] Virginia's response to Turner's Rebellion prohibited free blacks "to keep or carry any firelock of any kind, any military weapon, or any powder or lead..." The existing laws under which free blacks were occasionally licensed to possess or carry arms was also repealed, making arms possession completely illegal for free blacks. [7] But even before this action by the Virginia Legislature, in the aftermath of Turner's Rebellion, the discovery that a free black family possessed lead shot for use as scale weights, without powder or weapon in which to fire it, was considered sufficient reason for a frenzied mob to discuss summary execution of the owner. [8] The analogy to the current hysteria where mere possession of ammunition in some states without a firearms license may lead to jail time, should be obvious.

#### Gun control laws have been a historical tool of labeling individuals as citizens and non-citizens

Cramer 93, Clayton E. The Racist Roots of Gun Control. https://www.firearmsandliberty.com/cramer.racism.html 1993. (Clayton E. Cramer is a software engineer with a telecommunications manufacturer in Northern California. His first book, ...By The Dim And Flaring Lamps: The Civil War Diary of Samuel McIlvaine..., was published in 1990. ...For The Defense of Themselves And The State: The Original Intent & Judicial Interpretation of the Right To Keep And Bear Arms... will be published by Greenwood/Praeger Press in 1994.) NP 12/7/15.

One example of the increasing fear of armed blacks is the 1834 change to the Tennessee Constitution, where Article XI, 26 of the 1796 Tennessee Constitution was revised from: "That the freemen of this State have a right to keep and to bear arms for their common defence," [9] to: "That the free white men of this State have a right to keep and to bear arms for their common defence." [10] [emphasis added] It is not clear what motivated this change, other than Turner's bloody insurrection. The year before, the Tennessee Supreme Court had recognized the right to bear arms as an individual guarantee, but there is nothing in that decision that touches on the subject of race. [11] Other decisions during the antebellum period were unambiguous about the importance of race. In State v. Huntly (1843), the North Carolina Supreme Court had recognized that there was a right to carry arms guaranteed under the North Carolina Constitution, as long as such arms were carried in a manner not likely to frighten people. [12] The following year, the North Carolina Supreme Court made one of those decisions whose full significance would not appear until after the Civil War and passage of the Fourteenth Amendment. An 1840 statute provided: That if any free negro, mulatto, or free person of color, shall wear or carry about his or her person, or keep in his or her house, any shot gun, musket, rifle, pistol, sword, dagger or bowie-knife, unless he or she shall have obtained a licence therefor from the Court of Pleas and Quarter Sessions of his or her county, within one year preceding the wearing, keeping or carrying therefor, he or she shall be guilty of a misdemeanor, and may be indicted therefor. [13] Elijah Newsom, "a free person of color," was indicted in Cumberland County in June of 1843 for carrying a shotgun without a license -- at the very time the North Carolina Supreme Court was deciding Huntly. Newsom was convicted by a jury; but the trial judge directed a not guilty verdict, and the state appealed to the North Carolina Supreme Court. Newsom's attorney argued that the statute requiring free blacks to obtain a license to "keep and bear arms" was in violation of both the Second Amendment to the U. S. Constitution, and the North Carolina Constitution's similar guarantee of a right to keep and bear arms. [14] The North Carolina Supreme Court refused to accept that the Second Amendment was a limitation on state laws, but had to deal with the problem of the state constitutional guarantees, which had been used in the Huntly decision, the year before. The 17th article of the 1776 North Carolina Constitution declared: That the people have a right to bear arms, for the defence of the State; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power. [15] The Court asserted that: "We cannot see that the act of 1840 is in conflict with it... The defendant is not indicted for carrying arms in defence of the State, nor does the act of 1840 prohibit him from so doing." [16] But in Huntly, the Court had acknowledged that the restrictive language "for the defence of the State" did not preclude an individual right. [17] The Court then attempted to justify the necessity of this law: Its only object is to preserve the peace and safety of the community from being disturbed by an indiscriminate use, on ordinary occasions, by free men of color, of fire arms or other arms of an offensive character. Self preservation is the first law of nations, as it is of individuals. [18] The North Carolina Supreme Court also sought to repudiate the idea that free blacks were protected by the North Carolina Constitution's Bill of Rights by pointing out that the Constitution excluded free blacks from voting, and therefore free blacks were not citizens. Unlike a number of other state constitutions with right to keep and bear arms provisions that limited this right only to citizens, [19] Article 17 guaranteed this right to the people -- and try as hard as they might, it was difficult to argue that a "free person of color," in the words of the Court, was not one of "the people." It is one of the great ironies that, in much the same way that the North Carolina Supreme Court recognized a right to bear arms in 1843 -- then a year later declared that free blacks were not included -- the Georgia Supreme Court did likewise before the 1840s were out. The Georgia Supreme Court found in Nunn v. State (1846) that a statute prohibiting the sale of concealable handguns, sword-canes, and daggers violated the Second Amendment: The right of the whole people, old and young, men, women and boys, and not militia only, to keep and bear arms of every description, and not such merely as are used by the militia, shall not be infringed, curtailed, or broken in upon, in the smallest degree; and all of this for the important end to be attained: the rearing up and qualifying a well-regulated militia, so vitally necessary to the security of a free State. Our opinion is, that any law, State or Federal, is repugnant to the Constitution, and void, which contravenes this right, originally belonging to our forefathers, trampled under foot by Charles I. and his two wicked sons and successors, reestablished by the revolution of 1688, conveyed to this land of liberty by the colonists, and finally incorporated conspicuously in our own Magna Charta! And Lexington, Concord, Camden, River Raisin, Sandusky, and the laurel-crowned field of New Orleans, plead eloquently for this interpretation! [20] Finally, after this paean to liberty -- in a state where much of the population remained enslaved, forbidden by law to possess arms of any sort -- the Court defined the valid limits of laws restricting the bearing of arms: We are of the opinion, then, that so far as the act of 1837 seeks to suppress the practice of carrying certain weapons secretly, that it is valid, inasmuch as it does not deprive the citizen of his natural right of self- defence, or of his constitutional right to keep and bear arms. But that so much of it, as contains a prohibition against bearing arms openly, is in conflict with the Constitution, and void... [21] "Citizen"? Within a single page, the Court had gone from "right of the whole people, old and young, men, women and boys" to the much more narrowly restrictive right of a "citizen." The motivation for this sudden narrowing of the right appeared two years later. The decision Cooper and Worsham v. Savannah (1848) was not, principally, a right to keep and bear arms case. In 1839, the city of Savannah, Georgia, in an admitted effort "to prevent the increase of free persons of color in our city," had established a $100 per year tax on free blacks moving into Savannah from other parts of Georgia. Samuel Cooper and Hamilton Worsham, two "free persons of color," were convicted of failing to pay the tax, and were jailed. [22] On appeal, counsel for Cooper and Worsham argued that the ordinance establishing the tax was deficient in a number of technical areas; the assertion of most interest to us is, "In Georgia, free persons of color have constitutional rights..." Cooper and Worsham's counsel argued that these rights included writ of habeas corpus, right to own real estate, to be "subject to taxation," "[t]hey may sue and be sued," and cited a number of precedents under Georgia law in defense of their position. [23] Justice Warner delivered the Court's opinion, most of which is irrelevant to the right to keep and bear arms, but one portion shows the fundamental relationship between citizenship, arms, and elections, and why gun control laws were an essential part of defining blacks as "non-citizens": "Free persons of color have never been recognized here as citizens; they are not entitled to bear arms, vote for members of the legislature, or to hold any civil office." [24] The Georgia Supreme Court did agree that the ordinance jailing Cooper and Worsham for non-payment was illegal, and ordered their release, but the comments of the Court made it clear that their brave words in Nunn v. State (1846) about "the right of the people," really only meant white people. While settled parts of the South were in great fear of armed blacks, on the frontier, the concerns about Indian attack often forced relaxation of these rules. The 1798 Kentucky Comprehensive Act allowed slaves and free blacks on frontier plantations "to keep and use guns, powder, shot, and weapons, offensive and defensive." Unlike whites, however, a license was required for free blacks or slaves to carry weapons. [25] The need for blacks to carry arms for self-defense included not only the problem of Indian attack, and the normal criminal attacks that anyone might worry about, but he additional hazard that free blacks were in danger of being kidnapped and sold into slavery. [26] A number of states, including Ohio, Indiana, Illinois, Michigan, and Wisconsin, passed laws specifically to prohibit kidnapping of free blacks, out of concern that the federal Fugitive Slave Laws would be used as cover for re-enslavement. [27]

#### Disarming blacks and framing gun control swas a means of reifying white power and control framed as an issue of protecting law abiding citizens

Cramer 93, Clayton E. The Racist Roots of Gun Control. https://www.firearmsandliberty.com/cramer.racism.html 1993. (Clayton E. Cramer is a software engineer with a telecommunications manufacturer in Northern California. His first book, ...By The Dim And Flaring Lamps: The Civil War Diary of Samuel McIlvaine..., was published in 1990. ...For The Defense of Themselves And The State: The Original Intent & Judicial Interpretation of the Right To Keep And Bear Arms... will be published by Greenwood/Praeger Press in 1994.) NP 12/7/15.

The end of slavery in 1865 did not eliminate the problems of racist gun control laws; the various Black Codes adopted after the Civil War required blacks to obtain a license before carrying or possessing firearms or Bowie knives; these are sufficiently well-known that any reasonably complete history of the Reconstruction period mentions them. These restrictive gun laws played a part in the efforts of the Republicans to get the Fourteenth Amendment ratified, because it was difficult for night riders to generate the correct level of terror in a victim who was returning fire. [28] It does appear, however, that the requirement to treat blacks and whites equally before the law led to the adoption of restrictive firearms laws in the South that were equal in the letter of the law, but unequally enforced. It is clear that the vagrancy statutes adopted at roughly the same time, in 1866, were intended to be used against blacks, even though the language was race-neutral. [29] The former states of the Confederacy, many of which had recognized the right to carry arms openly before the Civil War, developed a very sudden willingness to qualify that right. One especially absurd example, and one that includes strong evidence of the racist intentions behind gun control laws, is Texas. In Cockrum v. State (1859), the Texas Supreme Court had recognized that there was a right to carry defensive arms, and that this right was protected under both the Second Amendment, and section 13 of the Texas Bill of Rights. The outer limit of the state's authority (in this case, attempting to discourage the carrying of Bowie knives), was that it could provide an enhanced penalty for manslaughters committed with Bowie knives. [30] Yet, by 1872, the Texas Supreme Court denied that there was any right to carry any weapon for self-defense under either the state or federal constitutions -- and made no attempt to explain or justify why the Cockrum decision was no longer valid. [31] What caused the dramatic change? The following excerpt from that same decision -- so offensive that no one would dare make such an argument today -- sheds some light on the racism that apparently caused the sudden perspective change: The law under consideration has been attacked upon the ground that it was contrary to public policy, and deprived the people of the necessary means of self- defense; that it was an innovation upon the customs and habits of the people, to which they would not peaceably submit... We will not say to what extent the early customs and habits of the people of this state should be respected and accommodated, where they may come in conflict with the ideas of intelligent and well-meaning legislators. A portion of our system of laws, as well as our public morality, is derived from a people the most peculiar perhaps of any other in the history and derivation of its own system. Spain, at different periods of the world, was dominated over by the Carthagenians, the Romans, the Vandals, the Snovi, the Allani, the Visigoths, and Arabs; and to this day there are found in the Spanish codes traces of the laws and customs of each of these nations blended together in a system by no means to be compared with the sound philosophy and pure morality of the common law. [32] [emphasis added] This particular decision is more open than most as to its motivations, but throughout the South during this period, the existing precedents that recognized a right to open carry under state constitutional provisions were being narrowed, or simply ignored. Nor was the reasoning that led to these changes lost on judges in the North. In 1920, the Ohio Supreme Court upheld the conviction of a Mexican for concealed carry of a handgun--while asleep in his own bed. Justice Wanamaker's scathing dissent criticized the precedents cited by the majority in defense of this absurdity: I desire to give some special attention to some of the authorities cited, supreme court decisions from Alabama, Georgia, Arkansas, Kentucky, and one or two inferior court decisions from New York, which are given in support of the doctrines upheld by this court. The southern states have very largely furnished the precedents. It is only necessary to observe that the race issue there has extremely intensified a decisive purpose to entirely disarm the negro, and this policy is evident upon reading the opinions. [33] While not relevant to the issue of racism, **Justice Wanamaker's closing paragraphs capture well the biting wit and intelligence of this jurist, who was unfortunately, outnumbered on the bench: I hold that the laws of the state of Ohio should be so applied and so interpreted as to favor the law-abiding rather than the law-violating people.** If this decision shall stand as the law of Ohio, a very large percentage of the good people of Ohio to-day are criminals, because they are daily committing criminal acts by having these weapons in their own homes for their own defense. The only safe course for them to pursue, instead of having the weapon concealed on or about their person, or under their pillow at night, is to hang the revolver on the wall and put below it a large placard with these words inscribed: "The Ohio supreme court having decided that it is a crime to carry a concealed weapon on one's person in one's home, even in one's bed or bunk, this weapon is hung upon the wall that you may see it, and before you commit any burglary or assault, please, Mr. Burglar, hand me my gun." [34] There are other examples of remarkable honesty from the state supreme courts on this subject, of which the finest is probably Florida Supreme Court Justice Buford's concurring opinion in Watson v. Stone (1941), in which a conviction for carrying a handgun without a permit was overturned, because the handgun was in the glove compartment of a car: I know something of the history of this legislation. The original Act of 1893 was passed when there was a great influx of negro laborers in this State drawn here for the purpose of working in turpentine and lumber camps. The same condition existed when the Act was amended in 1901 and the Act was passed for the purpose of disarming the negro laborers and to thereby reduce the unlawful homicides that were prevalent in turpentine and saw-mill camps and to give the white citizens in sparsely settled areas a better feeling of security. The statute was never intended to be applied to the white population and in practice has never been so applied. [35]

#### Police chief/sheriff discretion in issuing handgun permits increases access to guns for privileged groups

Cramer 93, Clayton E. The Racist Roots of Gun Control. https://www.firearmsandliberty.com/cramer.racism.html 1993. (Clayton E. Cramer is a software engineer with a telecommunications manufacturer in Northern California. His first book, ...By The Dim And Flaring Lamps: The Civil War Diary of Samuel McIlvaine..., was published in 1990. ...For The Defense of Themselves And The State: The Original Intent & Judicial Interpretation of the Right To Keep And Bear Arms... will be published by Greenwood/Praeger Press in 1994.) NP 12/7/15.

Today is not 1893, and when proponents of restrictive gun control insist that their motivations are color-blind, there is a possibility that they are telling the truth. Nonetheless, there are some rather interesting questions that should be asked today. The most obvious question is, "Why should a police chief or sheriff have any discretion in issuing a concealed handgun permit?" Here in California, even the state legislature's research arm--hardly a nest of pro-gunners--has admitted that the vast majority of permits to carry concealed handguns in California are issued to white males. [36] Even if overt racism is not an issue, an official may simply have more empathy with an applicant of a similar cultural background, and consequently be more able to relate to the applicant's concerns. As my wife pointedly reminded a police official when we applied for concealed weapon permits, "If more police chiefs were women, a lot more women would get permits, and be able to defend themselves from rapists." Gun control advocates today are not so foolish as to openly promote racist laws, and so the question might be asked what relevance the racist past of gun control laws has. One concern is that the motivations for disarming blacks in the past are really not so different from the motivations for disarming law-abiding citizens today. In the last century, the official rhetoric in support of such laws was that "they" were too violent, too untrustworthy, to be allowed weapons. Today, the same elitist rhetoric regards law-abiding Americans in the same way, as child-like creatures in need of guidance from the government. In the last century, while never openly admitted, one of the goals of disarming blacks was to make them more willing to accept various forms of economic oppression, including the sharecropping system, in which free blacks were reduced to an economic state not dramatically superior to the conditions of slavery. In the seventeenth century, the aristocratic power structure of colonial Virginia found itself confronting a similar challenge from lower class whites. These poor whites resented how the men who controlled the government used that power to concentrate wealth into a small number of hands. These wealthy feeders at the government trough would have disarmed poor whites if they could, but the threat of both Indian and pirate attack made this impractical; for all white men "were armed and had to be armed..." Instead, blacks, who had occupied a poorly defined status between indentured servant and slave, were reduced to hereditary chattel slavery, so that poor whites could be economically advantaged, without the upper class having to give up its privileges. [37] Today, the forces that push for gun control seem to be heavily (though not exclusively) allied with political factions that are committed to dramatic increases in taxation on the middle class. While it would be hyperbole to compare higher taxes on the middle class to the suffering and deprivation of sharecropping or slavery, the analogy of disarming those whom you wish to economically disadvantage, has a certain worrisome validity to it. Another point to consider is that in the American legal system, certain classifications of governmental discrimination are considered constitutionally suspect, and these "suspect classifications" (usually considered to be race and religion) come to a court hearing under a strong presumption of invalidity. The reason for these "suspect classifications" is because of the long history of governmental discrimination based on these classifications, and because these classifications often impinge on fundamental rights. [38] In much the same way, gun control has historically been a tool of racism, and associated with racist attitudes about black violence. Similarly, many gun control laws impinge on that most fundamental of rights: self-defense. Racism is so intimately tied to the history of gun control in America that we should regard gun control aimed at law-abiding people as a "suspect idea," and require that the courts use the same demanding standards when reviewing the constitutionality of a gun control law, that they would use with respect to a law that discriminated based on race.

#### We should be suspicious of gun control laws – they mirror political tools used by racist politicians in the 1900s to subjugate Blacks

Cramer 93, Clayton E. The Racist Roots of Gun Control. https://www.firearmsandliberty.com/cramer.racism.html 1993. (Clayton E. Cramer is a software engineer with a telecommunications manufacturer in Northern California. His first book, ...By The Dim And Flaring Lamps: The Civil War Diary of Samuel McIlvaine..., was published in 1990. ...For The Defense of Themselves And The State: The Original Intent & Judicial Interpretation of the Right To Keep And Bear Arms... will be published by Greenwood/Praeger Press in 1994.) NP 12/7/15.

Today is not 1893, and when proponents of restrictive gun control insist that their motivations are color-blind, there is a possibility that they are telling the truth. Nonetheless, there are some rather interesting questions that should be asked today. The most obvious question is, "Why should a police chief or sheriff have any discretion in issuing a concealed handgun permit?" Here in California, even the state legislature's research arm--hardly a nest of pro-gunners--has admitted that the vast majority of permits to carry concealed handguns in California are issued to white males. [36] Even if overt racism is not an issue, an official may simply have more empathy with an applicant of a similar cultural background, and consequently be more able to relate to the applicant's concerns. As my wife pointedly reminded a police official when we applied for concealed weapon permits, "If more police chiefs were women, a lot more women would get permits, and be able to defend themselves from rapists." Gun control advocates today are not so foolish as to openly promote racist laws, and so the question might be asked what relevance the racist past of gun control laws has. One concern is that the motivations for disarming blacks in the past are really not so different from the motivations for disarming law-abiding citizens today. In the last century, the official rhetoric in support of such laws was that "they" were too violent, too untrustworthy, to be allowed weapons. Today, the same elitist rhetoric regards law-abiding Americans in the same way, as child-like creatures in need of guidance from the government. In the last century, while never openly admitted, one of the goals of disarming blacks was to make them more willing to accept various forms of economic oppression, including the sharecropping system, in which free blacks were reduced to an economic state not dramatically superior to the conditions of slavery. In the seventeenth century, the aristocratic power structure of colonial Virginia found itself confronting a similar challenge from lower class whites. These poor whites resented how the men who controlled the government used that power to concentrate wealth into a small number of hands. These wealthy feeders at the government trough would have disarmed poor whites if they could, but the threat of both Indian and pirate attack made this impractical; for all white men "were armed and had to be armed..." Instead, blacks, who had occupied a poorly defined status between indentured servant and slave, were reduced to hereditary chattel slavery, so that poor whites could be economically advantaged, without the upper class having to give up its privileges. [37] Today, the forces that push for gun control seem to be heavily (though not exclusively) allied with political factions that are committed to dramatic increases in taxation on the middle class. While it would be hyperbole to compare higher taxes on the middle class to the suffering and deprivation of sharecropping or slavery, the analogy of disarming those whom you wish to economically disadvantage, ha**s** a certain worrisome validity to it. Another point to consider is that in the American legal system, certain classifications of governmental discrimination are considered constitutionally suspect, and these "suspect classifications" (usually considered to be race and religion) come to a court hearing under a strong presumption of invalidity. The reason for these "suspect classifications" is because of the long history of governmental discrimination based on these classifications, and because these classifications often impinge on fundamental rights. [38] In much the same way, gun control has historically been a tool of racism, and associated with racist attitudes about black violence. Similarly, many gun control laws impinge on that most fundamental of rights: self-defense. Racism is so intimately tied to the history of gun control in America that we should regard gun control aimed at law-abiding people as a "suspect idea," and require that the courts use the same demanding standards when reviewing the constitutionality of a gun control law, that they would use with respect to a law that discriminated based on race.

## Williams

#### The birth of modern gun control movement was an attempt to disarm blacks who protested corrupt policing in Oakland

Williams 15, Armstrong. Gun Control and the Disarming of the Black Community. www.theroot.com/articles/politics/2015/10/gun\_control\_and\_the\_disarming\_of\_the\_black\_community.html Oct. 19, 2015. (Armstrong Williams is the author of the brand-new book Reawakening Virtues, writes for RightSideWire, and airs live from 6 to 8 p.m. and 4 to 6 a.m..) NP 12/8/15.

I hate to say it, but Ronald Reagan was the father of the modern gun-control movement in America. Of course, that was at a different time in this country, when Reagan was governor of California and black radicals had taken over the Statehouse toting machine guns and chanting “Black power.” At that time, the solution to having large numbers of blacks publicly exercising their Second Amendment rights scared the religion out of a political establishment already on edge at the height of agitation over civil rights. On May 7, 1967, the Black Panthers showed up on the steps of the California Capitol in Sacramento brandishing loaded rifles and black berets in a show of defiance that would forever brand them as enemies of the establishment. They were there to protest the passage of the Mulford Act (nicknamed the “Black Panther Bill” by the press), which had been fast-tracked through the Legislature and signed by then-Gov. Reagan. The bill reversed an existing California law that made it legal to carry a loaded firearm in public as long as it was not concealed or brandished in a threatening manner. Reagan himself was quoted as saying that he saw “no reason why, on the street today, a citizen should be carrying loaded weapons.”But we should backtrack a little bit to get an understanding of what had everyone so up in arms—no pun intended. The Black Panthers in 1966 had announced that they advocated for black people, primarily in Oakland, Calif., to arm themselves to protect against what they (and many in the black community) widely viewed as political oppression carried out by the police. Incidents of alleged police brutality, including the killing of unarmed citizens, were rampant in Oakland.

In response, the Panthers established “police patrols,” which consisted of armed groups of blacks following police cars around the city and documenting each time police stopped or arrested a black citizen. Under California law, the Panthers’ activities, though highly unorthodox, were perfectly legal. They would also carry law books and copies of municipal code to ensure that all police actions were carried out by the book. The Panthers’ police patrols proved wildly popular among members of Oakland’s black community. Not surprisingly, the police were alarmed. Gradually, incidents of government abuse of citizens abated. But the sight of armed, uniformed black men roaming around the city using the law to challenge the authorities was more than the city had bargained for. Officials believed that if the police patrols spread to other cities, there could be a real risk of political revolution in the inner city. Hence the effort to curb the lawful possession of guns by inner-city black people.

#### The route cause of violence in the inner city isn’t guns – guns are necessary to challenge state power

Williams 15, Armstrong. Gun Control and the Disarming of the Black Community. www.theroot.com/articles/politics/2015/10/gun\_control\_and\_the\_disarming\_of\_the\_black\_community.html Oct. 19, 2015. (Armstrong Williams is the author of the brand-new book Reawakening Virtues, writes for RightSideWire, and airs live from 6 to 8 p.m. and 4 to 6 a.m..) NP 12/8/15.

Fast-forward to today. The inner cities in which most blacks live have some of the most draconian gun laws in the nation, but they also suffer from some of the highest per capita murder rates in the country. For example, the overall per capita murder rate in America sits at around five murders per 100,000 residents. However, in major inner cities in which blacks make up a majority, the murder rate is orders of magnitude higher. Detroit has a per capita rate of over 45, followed by Newark, N.J., and New Orleans with per capita rates hovering at about 40 and Baltimore with a murder rate of 37. Chicago has a murder rate more than triple the national average, at around 18 deaths per 100,000. Given the restrictive gun laws in these cities, the alarming rates of homicides cannot be the fault of guns per se. It is really a symptom of a culture of violence that has at its core criminal turf wars over the illegal drug trade. But despite these obvious facts, every time an incident of mass murder reaches the national consciousness, anti-gun activists go on a tirade over the lack of restrictive gun legislation. But what is particularly ironic is that the black community tends to go for the anti-gun argument almost reflexively. That’s despite the fact that blacks have traditionally faced the brunt of official tyranny more than any other group in this country—dating from the slave patrols to the civil rights movement and even up to this day, with complaints about police misconduct in the black community. How can a community that refuses to stand up for itself—that refuses to exercise its constitutional right to keep and bear arms—ever be respected by the powers that be? White Americans are under no illusion about whether the government will grab as much power as it can in the absence of a vigilant citizenry. There are countless examples, from the Cliven Bundy incident[s]—in which armed ranchers successfully rebuffed the government’s attempt to violate age-old grazing rights—to the state of Texas, which recently passed laws empowering citizens to carry weapons for self-defense on college campuses. Perhaps it is because some in the black community fear the self-determination, the responsibility and the independence needed to bear arms and participate fully and forcefully in the political process that will deprive them of their victimhood. That is, to a certain degree, understandable. Victimization has borne fruits over the past half-century, although the returns have certainly diminished as of late. Why not give independence a try?

## One

#### Pre-civil war, gun ownership was restricted for blacks to ensure they couldn’t revolt

One 15, Savage. How has gun control stripped power from the African American community? <https://welikeshooting.com/blog/gun-control-stripped-power-african-american-community/> September 30, 2015. NP 12/8/15.

The story begins back before the Civil War when plantations were taking full economic advantage of the slave population. The number of slaves to owners was growing to a ratio that would soon become a threat. To stave off the threat of rebellion by the slaves, states started enacting gun control laws. “Starting in 1751, the French Black Code required Louisiana colonists to stop any blacks, and if necessary, beat ‘any black carrying any potential weapon, such as a cane.’ If a black refused to stop on demand and was on horseback, the colonist was authorized to ‘shoot to kill” (ACRU, 2015, p.12). Many people’s fears were confirmed when, during the Nat Turner rebellion, 57 white people were killed: “Virginia’s response to Turner’s Rebellion prohibited free blacks ‘to keep or carry any firelock of any kind, any military weapon, or any powder or lead…’ The existing laws under which free blacks were occasionally licensed to possess or carry arms were also repealed, making arms possession completely illegal for free blacks” (ACRU, p.13) This was a turning point that lead to a multitude of states that enacted gun control. Soon Tennessee, North Carolina, Georgia, and others followed suit. It culminated in the Dred Scott decision, which declared that blacks could not qualify for citizenship within the US, and were therefore not entitled to any rights afforded in the Constitution. The Civil War began in early 1861, and in 1863, President Lincoln issued the Emancipation Proclamation, declaring all slaves free. During the war, there were around 178,000 former slaves and free men who fought the south as Union soldiers. The war ended in 1865, and while the 13th Amendment was ratified before then. It may have abolished involuntary servitude, but it did not end the oppression, segregation, discrimination and assaults on the black community at large.

#### Gun control legislation in the 60s was a method of black control

One 15, Savage. How has gun control stripped power from the African American community? <https://welikeshooting.com/blog/gun-control-stripped-power-african-american-community/> September 30, 2015. NP 12/8/15.

The 1950’s and 60’s were the age of the Civil Rights movement. Not only was it a time where blacks were fighting against the traditional oppression they had suffered through segregation, but they were also being met with more practices and laws that sought to disarm them. Martin Luther King Jr. was famously denied a concealed carry permit in Alabama after having his life threatened, and his house bombed. This is a case the demonstrates, perfectly, the control that local authorities in the dominant class over who was allowed permits and who wasn’t in ‘may issue’ systems. Though many people credit the assassination of John F. Kennedy as the inspiration for the Gun Control Act of 1968, one journalist, Robert Sherrill remarks: “…concluded in his book The Saturday Night Special that the object of the Gun Control Act of 1968 was black control rather than gun control. According to Sherrill, Congress was so panicked by the ghetto riots of 1967 and 1968 that it passed the act to ‘shut off weapons access to blacks, and since they (Congress) probably associated cheap guns with ghetto blacks and thought cheapness was peculiarly the characteristic of imported military surplus and the mail-order traffic, they decided to cut off these sources while leaving over-the-counter purchases open to the affluent’” (ACRU, p. 18). Even the term ‘Saturday Night Special’, as referring to the cheap guns targeted in the melting point laws in the later 1990’s, derives from the racist term ‘N\*\*\*\*er-town Saturday Night’ (Funk, p. 800). The melting point laws focused around pistols that were constructed of lower quality materials than standard, more expensive pistols. They are called melting point laws because the material used for the construction of major components like the slide, are made out of a Zinc alloy called Zamak, which has a melting point of 800 degrees Fahrenheit. Most slides are made out of steel, which has a melting point of 2,750 degrees Fahrenheit. While the Zamak material has strength properties that make it safe for use in firearms, if cast correctly, and the benefit is that it is far cheaper to manufacture, those qualities were challenged by politicians who sought to eliminate low-cost firearms from the inner cities, especially during this time period. In the 1980’s and 90’s there was a huge influx of crime in the inner cities due to the cocaine and crack epidemics, there was an explosion of the AIDS epidemic, and these two factors, alone, placed a huge cost on the health care services in low-income areas (Wilson p. 16). Because the tax dollars weren’t available from lack of adequate jobs and job benefits, the inner cities suffered even more with massive infant mortality rates and lowered life expectancy overall.

#### Here’s some other stuff that solves the problem – gun control’s a tool to suppress power of marginalized populations

One 15, Savage. How has gun control stripped power from the African American community? <https://welikeshooting.com/blog/gun-control-stripped-power-african-american-community/> September 30, 2015. NP 12/8/15.

In a report released by The American Federation of Teachers, William Wilson points out a number of goals that would help to reduce poverty, increase jobs, and healthcare these include: “Combating racial discrimination in employment…revitalizing poor urban neighborhoods…promoting job training programs…improving public education…and strengthening unions” (p. 23). There are, in fact, some studies that draw correlations between poverty and violent crime (Hsieh, 1993) One fascinating program, called Cure Violence, uses a pathology approach to treating violence as a disease and implementing preventative measures that intervene with those most likely seeking to commit violence and then mediating a peaceful solution. This program and others like it use Cognitive behavioral therapy to help those in contention learn problem-solving behavioral techniques that teach them to avoid conflict. The success rates are extremely promising as many communities saw reductions in shootings between 27%-73% with 16%-28% being direct causal relations (Akers, 2013, p. 232-242). An interesting and promising statistic from the Crime Prevention Research Center shows a large increase in the number of concealed carry permits by various races. The fastest growing demographics tend to be Black, Asian, and American Indian females (Lott, 2015, p.12). Organizations such as the NRA have begun catering to some minority demographics; Colion Noir, a black, well-known youtube personality is now their primary spokesperson. He is joined by Gabby Franco, a Venezuelan, and Chris Cheng, a gay male of Asian descent. There is a shift that is ongoing in American society. While it is clear that there are still many serious racial and cultural clashes that need attention, the manner in which those confrontations are dealt with needs to change. There are still some states whose concealed carry permitting system is so expensive and time intensive that it disenfranchises minorities and lower classes. There are analogs to the melting point laws such as California’s ‘Unsafe’ pistol roster that prevent lower cost pistols from being available. All these prohibitions are done in the name of ‘public safety’, but have not been able to produce any meaningful results. In the past, the methods of the dominant group were meant to strip non-dominant groups of their dignity, their freedoms, and their opportunities. As we learn more about the human condition, psychology, science, and justice, policies that seek to empower non-dominant groups instead of dismissing them must be addressed. That is the key to having a just and equal society.

## Beschle

Here are some of the issues people talk about

Beschle 86, Donald L. Reconsidering the Second Amendment: Constitutional Protection for a Right of Security, 9 Hamline L. Rev. 69 (1986). http://repository.jmls.edu/facpubs/300

For decades, the issue of gun control has sparked heated debate. Argument has become more intense in the past few years as communi- ties have considered various restrictions on access to or use of firearms. In a handful of cases, localities have enacted unprecedented total or near total bans on the private ownership of handguns.' Debate in the legislative arena has focused on the benefits sought by gun-control pro- ponents, the likelihood of achieving such benefits from specific gun-con- trol proposals, and the social costs of limiting the average citizen's ac- cess to firearms.2 At the same time, increasing interest in the policy questions of gun control has renewed interest in the legal questions con- cerning the constitutional validity of firearms legislation.

#### Solely looking to the framer’s intent fails to explain the context of their beliefs and 300 years of gun legislation

At the same time, the critics of the prevalent judicial attitude to- ward the second amendment have put forth a position at least as unsat- isfying as that which they attack. The critics ignore the effect of two hundred years of history on society and on constitutional doctrine by focusing almost exclusively on eighteenth-century attitudes and arguing for their adoption in almost every detail in the twentieth century. They also fail to consider the ways in which changes in the world have al- tered the relationships between ends sought by the Constitution and the types of means which might be effective or necessary to achieve those ends. The inadequacy of the critics' position becomes most obvious when they attempt to explain just what restrictions on weapons are constitutionally permissible. Even the critics tend to concede that some restrictions are constitutionally permitted at least for some sorts of weapons.6 However, eighteenth-century attitudes provide little assis- tance in the process of twentieth-century line-drawing and the proposed rules which emerge, such as the proposal that government may not re- strain tho ownership of any type of weapon in use in 1787, or any "lin- eal descendant" of such a weapon,7 lack any reasonable rationale and essentially are worthless. Blind adherence to every detail of the Fram- ers' thoughts does not present an adequate analytical framework for the constitutional gun-control issue.

#### It’s only constitutional if states regulate handguns

Case law involving second amendment challenges to federal and state gun-control legislation consistently has rejected those constitu- tional claims. Almost without exception, courts have held that the amendment is a limitation only on the federal government and there- fore is irrelevant in assessing the validity of state or local legislation.9 Even as applied to federal action, the amendment guarantees only that the states retain the right of self-defense through the maintenance of the militia and therefore provides no individual right to keep or bear 10 arms.

The supreme court bans depriving blacks of guns

The Supreme Court has spoken on the subject of the second amendment only four times.11 In 1876, the Supreme Court in United States v. Cruikshank2 reversed a criminal conviction of southern whites charged, among other things, with conspiring to deprive blacks of an alleged constitutional right to keep and bear arms.13 The Court based its reversal upon the conclusion that the second amendment con- ferred no such right upon individuals, but rather was meant only to limit the power of the federal government in its relations with the states.14 The second amendment established only a collective right, ex- ercised through the maintenance of a militia. 15

3. Handgun bans are constitutional - as long as the government doesn’t prevent existence of state militias they don't violate it

**Beschle 86**, Donald L. Reconsidering the Second Amendment: Constitutional Protection for a Right of Security, 9 Hamline L. Rev. 69 (1986). <http://repository.jmls.edu/facpubs/300> NP 12/8/15.

Although the Supreme Court decisions in this area are sparse, the Court's holdings are clear and lower federal courts consistently have followed the principles set forth in these cases to hold that: (a) the second amendment is not a limitation on the states and is therefore irrelevant to discussions of the constitutionality of state laws or local ordinances,29 and (b) as against the federal government, the amendment protects only the collective right of the state to organize and maintain a militia and does not guarantee any rights to individuals apart from that collective right."0 In short, it appears that **the only pos- sible violation of the second amendment would be a federal attempt to disarm organized state militias**, an action which is highly unlikely and completely irrelevant to the types of firearms regulations actually under discussion at the federal, state, or local levels. It therefore is not sur- prising that lower federal courts, without exception, have rejected indi- viduals' second amendment claims. Indeed, the courts' disposition of the claims generally warrants only one paragraph, or less, of comment.31

**Beschle 86**, Donald L. Reconsidering the Second Amendment: Constitutional Protection for a Right of Security, 9 Hamline L. Rev. 69 (1986). <http://repository.jmls.edu/facpubs/300> NP 12/8/15.

The Court of Appeals rejected plaintiffs' argument that Presser was no longer good law as nothing more than plaintiffs' "own opinions" and reaffirmed the principle that the second amendment does not apply to the states.36 Although this rationale would be sufficient in itself to dispose of the second amendment claim, the court "[flor the sake of completeness" commented on the scope of the amendment.3 7 The "plain meaning" of the amendment, as well as precedent, make it "clear that the right to bear arms is inextricably connected to the pres- ervation of a militia." 8 Any private possession of arms not necessary for such militia functions, therefore, is unprotected by the Constitu- tion.39 In light of this, plaintiffs' historical discussions of the impor- tance of individual arms at English common law and at the time of the drafting of the Constitution were held to be irrelevant.40

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**Beschle 86**, Donald L. Reconsidering the Second Amendment: Constitutional Protection for a Right of Security, 9 Hamline L. Rev. 69 (1986). <http://repository.jmls.edu/facpubs/300> NP 12/8/15.

Several state courts in the nineteenth century had decided that the second amendment established an individual right to bear arms,"5 but after the Supreme Court rejected the individual rights contention and also declined to apply the amendment to the states a majority of those courts later held that the Constitution did not create such a right." A few state courts, while reaching the same conclusions as those adopted by federal courts, have gone beyond citation of precedent to justify those conclusions. In Commonwealth v. Davis,47 for example, the Su- preme Judicial Court of Massachusetts examined the history of the amendment and determined that it was created largely as a response to fears of a strong federal standing army. Rather than outlaw the exis- tence of such an army, the amendment sought to assure the continued existence of strong state militias as counterweights to federal power. The second amendment therefore could not limit the states if they chose to limit the individual possession of weapons, since the amend- ment's purpose was to protect the states against federal encroach- ment. 8 This same line of reasoning led the New Jersey Supreme Court to hold, in Burton v. Sills,4 9 that the second amendment will not be applied to the states through incorporation into the due process clause despite the twentieth-century trend toward extending Bill of Rights guarantees to state and local government action.50

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Case law, at least for the last century, has been nearly unanimous in holding that the purpose of the initial clause of the second amend- ment is to protect the right of states to organize and maintain their militias. It follows logically that the amendment does not apply to the states and therefore has no effect on state or local firearms restrictions, and that the amendment restricts the federal government only insofar as the federal government attempts to interfere with the organizing and arming of state militias. Since the current controversy over gun-control legislation concerns only restrictions on individuals and not on state mi- litias, the second amendment is inapplicable to these restrictions under the currently-accepted doctrine.

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The critical commentators see evidence in this common law history that supports the essential link between freedom and the individual pos- session of arms. The denial of the right to bear arms to those individu- als perceived as a threat to the state was itself a sign of second-class citizenship. The commentators also point to the English Bill of Rights as evidence that the English and eighteenth-century Americans consid- ered the right to bear arms to be recognized by positive law and not merely as a normative view of philosophers." However, the qualifying phrases of the Bill of Rights provision make it clear that any recogni- tion of an individual right to bear arms was not absolute. Although mere possession of standard weapons never was made a criminal of- fense,' 7 subsequent statutes restricted the use of firearms and prohib- ited some devices that were seen as having no legitimate uses. At the same time, it is not entirely clear that Parliament could not have criminalized such possession if it so desired. The Bill of Rights clearly prohibited disarming the public through royal fiat, but the final clause of the arms provision is ambiguous about whether Parliament could do 68 SO.

## Kates and Mauser

#### **Access to guns doesn’t prevent murder – Russia has the highest homicide rate and no one has guns**

Kates and Mauser. Kates, Don B. Mauser, Gary. WOULD BANNING FIREARMS REDUCE MURDER AND SUICIDE? A REVIEW OF INTERNATIONAL AND SOME DOMESTIC EVIDENCE. (Don B. Kates (LL.B., Yale, 1966) is an American criminologist and constitutional lawyer associated with the Pacific Research Institute, San Francisco. Gary Mauser (Ph.D., University of California, Irvine, 1970) is a Canadian crimi‐ nologist and university professor at Simon Fraser University, Burnaby, BC Canada.) Harvard Journal of Law and Public Policy. Vol. 30. NP.

Since at least 1965, the false assertion that the United States has the industrialized world’s highest murder rate has been an artifact of politically motivated Soviet minimization designed to hide the true homicide rates.2 Since well before that date, the Soviet Union possessed extremely stringent gun controls3 that were effectuated by a police state apparatus providing stringent enforcement.4 So successful was that regime that few Russian civilians now have firearms and very few murders involve them.5 Yet, manifest suc‐ cess in keeping its people disarmed did not prevent the Soviet Union from having far and away the highest murder rate in the developed world.6 In the 1960s and early 1970s, the gun‐less Soviet Union’s murder rates paralleled or generally exceeded those of gun‐ridden America. While American rates stabilized and then steeply declined, however, Russian murder increased so drasti‐ cally that by the early 1990s the Russian rate was three times higher than that of the United States. Between 1998‐2004 (the lat‐ est figure available for Russia), Russian murder rates were nearly four times higher than American rates. Similar murder rates also characterize the Ukraine, Estonia, Latvia, Lithuania, and various other now‐independent European nations of the former U.S.S.R.7 Thus, in the United States and the former Soviet Union transition‐ ing into current‐day Russia, “homicide results suggest that where guns are scarce other weapons are substituted in killings.”8 While American gun ownership is quite high, Table 1 shows many other developed nations (e.g., Norway, Finland, Germany, France, Denmark) with high rates of gun ownership. These countries, however, have murder rates as low or lower than many devel‐ oped nations in which gun ownership is much rarer. For example, Luxembourg, where handguns are totally banned and ownership of any kind of gun is minimal, had a murder rate nine times higher than Germany in 2002.

#### Places with greatest gun ownership have least crime

Kates and Mauser. Kates, Don B. Mauser, Gary. WOULD BANNING FIREARMS REDUCE MURDER AND SUICIDE? A REVIEW OF INTERNATIONAL AND SOME DOMESTIC EVIDENCE. (Don B. Kates (LL.B., Yale, 1966) is an American criminologist and constitutional lawyer associated with the Pacific Research Institute, San Francisco. Gary Mauser (Ph.D., University of California, Irvine, 1970) is a Canadian crimi‐ nologist and university professor at Simon Fraser University, Burnaby, BC Canada.) Harvard Journal of Law and Public Policy. Vol. 30. NP.

The same pattern appears when comparisons of violence to gun ownership are made within nations. Indeed, “data on fire‐ arms ownership by constabulary area in England,” like data from the United States, show “a negative correlation,”10 that is, “where firearms are most dense violent crime rates are lowest, and where guns are least dense violent crime rates are high‐ est.”11 Many different data sets from various kinds of sources are summarized as follows by the leading text: [T]here is no consistent significant positive association be‐ tween gun ownership levels and violence rates: across (1) time within the United States, (2) U.S. cities, (3) counties within Illinois, (4) country‐sized areas like England, U.S. states, (5) regions of the United States, (6) nations, or (7) population subgroups . . . .12

#### Europe doing well’s not evidence – they had low murder rates before gun control

Kates and Mauser. Kates, Don B. Mauser, Gary. WOULD BANNING FIREARMS REDUCE MURDER AND SUICIDE? A REVIEW OF INTERNATIONAL AND SOME DOMESTIC EVIDENCE. (Don B. Kates (LL.B., Yale, 1966) is an American criminologist and constitutional lawyer associated with the Pacific Research Institute, San Francisco. Gary Mauser (Ph.D., University of California, Irvine, 1970) is a Canadian crimi‐ nologist and university professor at Simon Fraser University, Burnaby, BC Canada.) Harvard Journal of Law and Public Policy. Vol. 30. NP.

A second misconception about the relationship between fire‐ arms and violence attributes Europe’s generally low homicide rates to stringent gun control. That attribution cannot be accu‐ rate since murder in Europe was at an all‐time low before the gun controls were introduced.13 For instance, virtually the only English gun control during the nineteenth and early twentieth centuries was the practice that police patrolled without guns. During this period gun control prevailed far less in England or Europe than in certain American states which nevertheless had—and continue to have—murder rates that were and are comparatively very high.14 In this connection, two recent studies are pertinent. In 2004, the U.S. National Academy of Sciences released its evaluation from a review of 253 journal articles, 99 books, 43 government publications, and some original empirical research. It failed to identify any gun control that had reduced violent crime, sui‐ cide, or gun accidents.15 The same conclusion was reached in 2003 by the U.S. Centers for Disease Control’s review of then‐ extant studies.16

#### England’s a terrible example – when they banned guns murder increased, when U.S. access to guns increased, murder decreased

Kates and Mauser. Kates, Don B. Mauser, Gary. WOULD BANNING FIREARMS REDUCE MURDER AND SUICIDE? A REVIEW OF INTERNATIONAL AND SOME DOMESTIC EVIDENCE. (Don B. Kates (LL.B., Yale, 1966) is an American criminologist and constitutional lawyer associated with the Pacific Research Institute, San Francisco. Gary Mauser (Ph.D., University of California, Irvine, 1970) is a Canadian crimi‐ nologist and university professor at Simon Fraser University, Burnaby, BC Canada.) Harvard Journal of Law and Public Policy. Vol. 30. NP.

In the late 1990s, England moved from stringent controls to a complete ban of all handguns and many types of long guns. Hundreds of thousands of guns were confiscated from those owners law‐abiding enough to turn them in to authorities. Without suggesting this caused violence, the ban’s ineffective‐ ness was such that by the year 2000 violent crime had so in‐ creased that England and Wales had Europe’s highest violent crime rate, far surpassing even the United States.19 Today, Eng‐ lish news media headline violence in terms redolent of the doleful, melodramatic language that for so long characterized American news reports.20 One aspect of England’s recent ex‐perience deserves note, given how often and favorably advo‐ cates have compared English gun policy to its American coun‐ terpart over the past 35 years.21 A generally unstated issue in this notoriously emotional debate was the effect of the Warren Court and later restrictions on police powers on American gun policy. Critics of these decisions pointed to soaring American crime rates and argued simplistically that such decisions caused, or at least hampered, police in suppressing crime. But to some supporters of these judicial decisions, the example of England argued that the solution to crime was to restrict guns, not civil liberties. To gun control advocates, England, the cradle of our liberties, was a nation made so peaceful by strict gun control that its police did not even need to carry guns. The United States, it was argued, could attain such a desirable situation by radically reducing gun ownership, preferably by banning and confiscating handguns.

The results discussed earlier contradict those expectations. On the one hand, despite constant and substantially increasing gun ownership, the United States saw progressive and dramatic re‐ ductions in criminal violence in the 1990s. On the other hand, the same time period in the United Kingdom saw a constant and dramatic increase in violent crime to which England’s response was ever‐more drastic gun control including, eventually, banning and confiscating all handguns and many types of long guns.22 Nevertheless, criminal violence rampantly increased so that by 2000 England surpassed the United States to become one of the developed world’s most violence‐ridden nations.

#### There’s lots of ground about whether more or less guns are good or bad for crime

Kates and Mauser. Kates, Don B. Mauser, Gary. WOULD BANNING FIREARMS REDUCE MURDER AND SUICIDE? A REVIEW OF INTERNATIONAL AND SOME DOMESTIC EVIDENCE. (Don B. Kates (LL.B., Yale, 1966) is an American criminologist and constitutional lawyer associated with the Pacific Research Institute, San Francisco. Gary Mauser (Ph.D., University of California, Irvine, 1970) is a Canadian crimi‐ nologist and university professor at Simon Fraser University, Burnaby, BC Canada.) Harvard Journal of Law and Public Policy. Vol. 30. NP.

As indicated in the preceding footnote, the notion that more guns reduce crime is highly controversial. What the contro‐ versy has obscured from view is the corrosive effect of the Lott and Mustard work on the tenet that more guns equal more murder. As previously stated, adoption of state laws permit‐ ting millions of qualified citizens to carry guns has not resulted in more murder or violent crime in these states. Rather, adop‐ tion of these statutes has been followed by very significant re‐ ductions in murder and violence in these states.

#### You should have kept reading! They don’t think this means gun control *causes* higher murder rates, it’s the other way around

Kates and Mauser. Kates, Don B. Mauser, Gary. WOULD BANNING FIREARMS REDUCE MURDER AND SUICIDE? A REVIEW OF INTERNATIONAL AND SOME DOMESTIC EVIDENCE. (Don B. Kates (LL.B., Yale, 1966) is an American criminologist and constitutional lawyer associated with the Pacific Research Institute, San Francisco. Gary Mauser (Ph.D., University of California, Irvine, 1970) is a Canadian crimi‐ nologist and university professor at Simon Fraser University, Burnaby, BC Canada.) Harvard Journal of Law and Public Policy. Vol. 30. NP.

Once again, we are not arguing that the data in Table 2 shows that gun control causes nations to have much higher murder rates than neighboring nations that permit handgun ownership. Rather, we assert a political causation for the ob‐ served correlation that nations with stringent gun controls tend to have much higher murder rates than nations that allow guns. The political causation is that nations which have vio‐ lence problems tend to adopt severe gun controls, but these do not reduce violence, which is determined by basic socio‐ cultural and economic factors.

## Harwood

#### **Any discussion of gun regulations must address constitutionality**

Harwood 2, William S. . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002) : 58 -73, NP

Before doing so, it is important to identify what will not be addressed in this paper. First, the constitutional limits of any government regulation of firearms is beyond the scope of this analysis. Clearly, a part of the gun policy debate is the extent to which the Second Amendment protects the private ownership and use of firearms from any government regulation. This paper assumes that reasonable regulation is constitutionally permissible and focuses on whether it is preferable to regulate it at the state or federal level.

#### Federal background checks have been deemed unconstitutional

Harwood 2, William S. . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002) : 58 -73, NP

In addition, in 1997 the United States Supreme Court ruled in Printz v. United States that the 1994 Brady Act, requiring a waiting period for the purchase of handguns while a background check was being performed, was unconstitutional.11 In the view of the Court, the Act impermissibly required state law enforcement officials to participate in the background check of each purchaser and thereby force them to help carry out a federal mandate. As in the case of the Gun-Free School Zones Act of 1990, the ruling was more symbolic than substantive. Despite the decision, many state law enforcement agencies continue to participate in federal background checks because they believe it is good public policy or they are already required to do so by state law.12

The state’s rights argument isn’t compelling – the USFG can say it’s necessary, constitutitonalizing it

Harwood 2, William S. . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002) : 58 -73, NP

At this point it is doubtful that states’ rights will emerge as a significant limitation on the federal government’s authority to regulate firearms. As demonstrated by congressional reaction to Lopez, if Congress wishes to regulate firearms, it is able to make the necessary findings that particular regulations are reasonably related to interstate commerce and therefore within the constitutional authority of Congress. Similarly, although theoretically possible, there is no immediate prospect that the federal government will attempt to invoke federal preemption to limit the state government’s authority to regulate firearms. Accordingly, constitutional provisions favoring either state or federal regulation are not likely to dictate whether firearms should be regulated by the state or federal government. At this point, as a matter of constitutional law, the field of firearm regulation appears wide open to both levels of government.

A2 gun control history k – no link, this is state legislation, not federal legislation

Banning handguns to solve local crime is a state level endeavor

Harwood 2, William S. . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002) : 58 -73, NP

Clearly the traditional view that gun violence is a criminal justice issue remains valid. Much of the gun violence in our society involves antisocial or criminal behavior. As such, firearm regulation can legitimately be viewed as a necessary part of our criminal laws. For example, certain crimes are often deemed more serious if the person committing the crime possessed a firearm at the time and, in some cases, guns used in crimes are confiscated by the state and destroyed. It has generally been acknowledged in the United States that the states, as sovereign entities, possess what is known as “the police power.” In essence, because the safety of citizens has traditionally been a matter of local concern, states have taken the lead on issues of law enforcement.26 Although the Federal Bureau of Investigation is a high profile law enforcement agency, it is small compared to the thousands of state and local police officers that form the front line in the fight against crime in our society. Overall, states possess the primary authority for enacting and enforcing the criminal laws. Accordingly, to the extent gun violence is viewed as a criminal matter, state regulation is likely to be preferred over federal regulation.

#### USFG handgun regulation happens when it’s a public health concern

Harwood 2, William S. . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002) : 58 -73, NP

In contrast to the state’s primary role in enforcement of criminal law, public health is generally viewed as the province of the federal government. Whether it be the Food and Drug Administration regulating the introduction of new drugs; the Medicare and Medicaid programs expanding access to health care for the poor and elderly; the surgeon general promoting a campaign to stop smoking; or the Center for Disease Control searching for a cure for cancer or AIDS, the health of the American people has largely been the domain of the federal government. In essence, the federal government has decided that state residency should not determine the quantity or quality of health care available to U.S. citizens. Assuring the health of its citizens has been a priority of the federal government. Accordingly, if one views gun violence as a matter of public health, one is more likely to favor federal regulation.

#### Handgun restrictions to limit domestic violence are a state prerogative

Harwood 2, William S. . "Gun Control: State Versus Federal Regulation of Firearms." Maine Policy Review 11.1 (2002) : 58 -73, NP

Like criminal law, family law has traditionally been the domain of state government. The states have exercised broad power over marriages, divorce, custody, and other family law matters.27 Closely related to this tradi- View current & previous issues of MPR at: www.umaine.edu/mcsc/mpr.htm Spring 2002 · MAINE POLICY REVIEW · 67 GUN CONTROL tional state role is the responsibility for responding to domestic violence. Resolving issues of spousal abuse is frequently inseparable from resolving the issues of separation and divorce. Both types of issues are typically the bread and butter of the lower courts of a state’s judiciary. Indeed, in Maine, Protection from Abuse (PFA) cases are one of the fastest growing category of cases on the judicial docket. Over the last ten years the number of such cases has almost doubled. Currently, PFA cases represent approximately 15% of all civil cases filed in Maine District Court. To the extent firearms become involved in domestic violence, gun violence becomes a family law issue. Unfortunately, in approximately 50% of all homicides in Maine, the victim and the shooter are members of the same family or acquaintances. In many of these cases, it is an angry and frustrated husband or boyfriend that has resorted to the use of a gun to finally resolve the issues in his relationship with his wife or girlfriend. For each of these homicide victims, there are numerous other victims of abusive relationships who are seriously wounded by gunshot or live in terror of becoming the next gun violence statistic. However, domestic violence is certainly not the exclusive domain of state government. Significantly, the issue of domestic violence has become so explosive that Congress recently stepped in. In 1996, Congress enacted the Violence Against Women Act, which restricted access to firearms to those who have been involved in domestic violence.28 However, Congress did not rely on the federal judiciary to solve the problem. Specifically, the Act provides that anyone who is subject to a domestic violence restraining order issued by a state judge automatically loses his or her right to possess a firearm. By addressing the problem in this way, Congress indirectly empowered the state judiciary to protect those who may be at risk of domestic violence involving firearms. Despite this federal Act, viewing gun violence as a part of domestic violence is more likely to lead one to favor state regulation.

## Giroux

#### Focus on short term solutions and dramatic shootings ignores systemic oppression

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

In the United States, calls for liberal, Band-Aid reforms do not work in the face of the carnage taking place. "The United States sees an average of 92 gun deaths per day - and more preschoolers are shot dead each year than police officers are killed in the line of duty." [(1)](http://www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us#a1) Mass violence in the United States has to be understood within a larger construction of the totality of the forces that produce it. Focusing merely on the more dramatic shootings misses the extent of the needless violence and murders that are taking place daily.

#### The gun industry fuels the military-industrial complex by focusing on obsession with private ownership

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

State repression, unbridled self-interest, an empty consumerist ethos and war-like values have become the organizing principles of US society, producing an indifference to the common good, compassion, a concern for others and equality. As the public collapses into the individualized values of a banal consumer culture and the lure of private obsessions, US society flirts with forms of irrationality that are at the heart of everyday aggression and the withering of public life. US society is driven by unrestrained market values in which economic actions and financial exchanges are divorced from social costs, further undermining any sense of social responsibility.

In addition, a wasteful, giant military-industrial-surveillance complex fueled by the war on terror, along with the United States' endless consumption of violence as entertainment and its celebration of a pervasive gun culture, normalizes the everyday violence waged against Black youth, immigrants, children fed into the school-to-prison pipeline and others considered disposable. US politicians now attempt to govern the effects of systemic violence while ignoring its underlying causes. Under such circumstances, a society saturated in violence gains credence when its political leaders have given up on the notion of the common good, social justice and equality, all of which appear to have become relics of history in the United States.

#### Blaming gun violence on mental illness are empirically inaccurate tools of the media to mask systemic issues

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

In the face of mass shootings, the public relations disimagination machine goes into overdrive claiming that guns are not the problem, and that the causes of such violence can be largely attributed to people living with mentally illness. When in actuality, as two Vanderbilt University researchers, Dr. Jonathan Metzl and Kenneth T. MacLeish, publishing in the American Journal of Public Health, observed that:

Fewer than 6 percent of the 120,000 gun-related killings in the United States between 2001 and 2010 were perpetrated by people diagnosed with mental illness. Our research finds that across the board, the mentally ill are 60 to 120 percent more likely than the average person to be the victims of violent crime rather than the perpetrators.... There are 32,000 gun deaths in the United States on average every year, and people are far more likely to be shot by relatives, friends or acquaintances than they are by lone violent psychopaths. [(2)](http://www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us#a2)

#### U.S. government’s refusal to acknowledge need for regulating handgun violence is caused by cowardice and economic incentives

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

It may not be an exaggeration to claim that the US government has blood on its hands because of the refusal of Congress to rein in a gun lobby that produces a growing militarism that sanctions a love affair with the unbridled corporate institutions, financial interests and mass-produced cultures of violence. The Oregon community college shooting is the 41st school shooting this year while there have been 142 incidents of violence on school properties since 2012. Yet, the violence continues unchecked, all the while legitimated by the cowardly acts of politicians who refuse to enact legislation to curb the proliferation of guns or support measures as elementary as background checks - which 88 percent of the American people support - or for that matter, ban large-capacity ammunition magazines and assault rifles. In part, this cowardly refusal on the part of politicians is due to the fact that gun lobbyists pour huge amounts of money into the campaigns of politicians who support their interests. For example, in 2015, the gun lobby spent $5,697,429 while those supporting gun control paid out $867,601. In a New York Times op-ed, Gabrielle Giffords pointed out that the National Rifle Association (NRA) in the 2012 election cycle "spent around $25 million on contributions, lobbying and outside spending." (3) Outside money does more than corrupt politics; it is also responsible for people being shot and killed.

#### Using fear as a tool of legitimizing gun violence is the consequence of hyper conservative media that popularizes guns to maximize profit – this masks central issues in the U.S. and normalizes violence

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

Fear has become a public relations strategy used not only by the national security state but also by the gun industry. When you live in a country in which you are constantly bombarded by the assumption that the government is the enemy of democracy and you are told that nobody can be trusted, and the discourse of hate, particularly against Black youth, immigrants and gun control advocates, spews out daily from thousands of conservative radio stations and major TV networks, a climate of fear engulfs the country reinforcing the belief that gun ownership is the only notion of safety in which people can believe in order to live as free human beings. Under such circumstances, genuine fears and concerns for safety are undermined. These include the fear of poverty, lack of meaningful employment, the absence of decent health care, poor schools, police violence and the militarization of society, all of which further legitimate and fuel the machinery of insecurity, violence and death. Fear degenerates into willful ignorance while any semblance of rationality is erased, especially around the logic of gun control. As Adam Gopnik observes:

Gun control ends gun violence as surely an antibiotics end bacterial infections, as surely as vaccines end childhood measles - not perfectly and in every case, but overwhelmingly and everywhere that it's been taken seriously and tried at length. These lives can be saved. Kids continue to die en masse because one political party won't allow that to change, and the party won't allow it to change because of the irrational and often paranoid fixations that make the massacre of students and children an acceptable cost of fetishizing guns. (4)

President Obama is right in stating that the violence we see in the United States is "a political choice we make that allows this to happen." While taking aim at the gun lobby, especially the NRA, what Obama fails to address is that extreme violence is systemic in US society, has become the foundation of politics and must be understood within a broader historical, economic, cultural and political context. To be precise, politics has become an extension of violence driven by a culture of fear, cruelty and hatred legitimated by the politicians bought and sold by the gun lobby and other related militaristic interests. Moreover, violence is now treated as a sport, a pleasure-producing form of commerce, a source of major profits for the defense industries and a corrosive influence upon US democracy. And as such it is an expression of a deeper political and ethical corruption in US society. As Rich Broderick insists, US society "embraces a soulless free-market idolatry in which the value of everything, including human beings, is determined by the bottom line" and in doing so this market fundamentalism and its theater of cruelty and greed perpetuate a spectacle of violence fed by an echo chamber "of paranoia, racism, and apocalyptic fantasies rampant in the gun culture." (5) The lesson here is that the culture of violence cannot be abstracted from the business of violence.

#### **Support of the gun industry is tied to economic militarization and normalizes state violence while ignoring underlying systemic oppression**

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

Even worse, the firearms industry is pouring millions into recruiting and educational campaigns designed to both expose children to guns at an early age and to recruit them as lifelong gun enthusiasts. Reporting on such efforts for The New York Times, Mike McIntire writes: The industry's strategies include giving firearms, ammunition and cash to youth groups; weakening state restrictions on hunting by young children; marketing an affordable military-style rifle for "junior shooters" and sponsoring semiautomatic-handgun competitions for youths; and developing a target-shooting video game that promotes brand-name weapons, with links to the Web sites of their makers.... Newer initiatives by other organizations go further, seeking to introduce children to high-powered rifles and handguns while invoking the same rationale of those older, more traditional programs: that firearms can teach "life skills" like responsibility, ethics and citizenship. (10) As the United States moves from a welfare state to a warfare state, state violence becomes normalized. The United States' moral compass and its highest democratic ideals have begun to wither, and the institutions that were once designed to help people now serve to largely suppress them. Gun laws, social responsibility and a government responsive to its people matter. We must end the dominance of gun lobbyists, the reign of money-controlled politics, the proliferation of high levels of violence in popular culture and the ongoing militarization of US society. At the same time, it is crucial, as many in the movement for Black lives have stated, that we refuse to endorse the kind of gun control that criminalizes young people of color. Gun violence in the United States is inextricably tied to economic violence as when hedge fund managers invest heavily in companies that make high-powered automatic rifles, 44-40 Colt revolvers, laser scopes for semiautomatic handguns and expanded magazine clips. (11) The same mentality that trades in profits at the expense of human life gives the United States the shameful title of being the world's largest arms exporter. According to the Stockholm International Peace Research Institute, "Washington sold 31% of all global imports during the 2010-2014 period." (12) This epidemic of violence connects the spreading of violence abroad with the violence waged at home. It also points to the violence reproduced by politicians who would rather support the military-industrial-gun complex and arms industries than address the most basic needs and social problems faced by Americans.

#### Regulation of guns is the answer

Giroux 15, Henry A. | Murder, Incorporated: Guns and the Growing Culture of Violence in the US. www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us October 7th, 2015. NP

Rather than arming people with more guns, criminalizing every aspect of social behavior, militarizing the police and allowing the gun lobby to sanction putting semiautomatic weapons in the hands of children and adults, the most immediate action that can be taken is to institute effective gun control laws. As Bernardine Dohrn has argued:

We want gun control that sanctions manufacturers, distributors and adults who place, and profit from, deadly weapons in the possession of youth. We want military-style weaponry banned. We want smaller schools with nurses and social workers, librarians and parent volunteers - all of which are shown to contribute to less disruption and less violence. Let's promote gun-control provisions and regulations that enhance teaching and learning as well as justice and safety for children, not those that will further incarcerate, punish and demonize young people of color. We've been there before. [(13)](http://www.truth-out.org/news/item/33127-murder-incorporated-guns-and-the-growing-culture-of-violence-in-the-us#a13)

And Dohrn's suggestions would be only the beginning of real reform, one that goes right to the heart of eliminating the violence at the core of US society. The United States has become a society that is indifferent to the welfare of its citizens, as the drive for profits has replaced any vestige of social and moral responsibility. Violence has arisen from the breakdown of public space, the erasure of public goods and a growing disdain for the common good. Gratuitous violence is no longer merely a sport or form of entertainment; it has become central to a society that trades on fear and fetishizes hyperviolent and punitive practices and social relations. Brutal, masculine authority now rules US society and wages a war against women's reproductive rights, civil liberties, poor Black and Brown youth and Mexican immigrants. When violence becomes an organizing principle of society, the fabric of a democracy begins to unravel, suggesting that the United States is at war with itself. When politicians refuse out of narrow self and financial interests to confront the conditions that create such violence, they have blood on their hands.

Note: This article draws on a much shorter version that appeared in CounterPunch.

## Kristof

#### Smartguns work!

Kristof 15, Nicholas. Smart Guns Save Lives. So Where Are They?. www.nytimes.com/2015/01/18/opinion/sunday/nicholas-kristof-smart-guns-save-lives-so-where-are-they.html Jan 17th, 2015. NP

Which brings us to Kai Kloepfer, a lanky 17-year-old high school senior in Boulder, Colo. After the cinema shooting in nearby Aurora, Kloepfer decided that for a science fair project he would engineer a “smart gun” that could be fired only by an authorized user. “I started with iris recognition, and that seemed a good idea until you realize that many people firing guns wear sunglasses,” Kloepfer recalls. “So I moved on to fingerprints.” Kloepfer designed a smart handgun that fires only when a finger it recognizes is on the grip. More than 1,000 fingerprints can be authorized per gun, and Kloepfer says the sensor is 99.999 percent accurate. A child can’t fire the gun. Neither can a thief — important here in a country in which more than 150,000 guns are stolen annually. Kloepfer’s design won a grand prize in the Intel International Science and Engineering Fair. Then he won a $50,000 grant from the Smart Tech Challenges Foundation to refine the technology. By the time he enters college in the fall (he applied early to Stanford and has been deferred), he hopes to be ready to license the technology to a manufacturer. There are other approaches to smart guns. The best known, the Armatix iP1, made by a German company and available in the United States through a complicated online procedure, can be fired only if the shooter is wearing a companion wristwatch. Continue reading the main story RECENT COMMENTS Manray January 18, 2015 I always find it i teresting how the people who dont own a gun think they know more about how it should be controlled than the people who do... Soup Erman January 18, 2015 Nicholas Kristof has misrepresented the NRA by saying, "The National Rifle Association seems set against smart guns..."This is untrue. The... Reader In Wash, DC January 18, 2015 Guns have been part of US life since the founding of our country. Gun are no more responsible for crime or accidents than food is... SEE ALL COMMENTS The National Rifle Association seems set against smart guns, apparently fearing that they might become mandatory. One problem has been an unfortunate 2002 New Jersey law stipulating that three years after smart guns are available anywhere in the United States, only smart guns can be sold in the state. The attorney general’s office there ruled recently that the Armatix smart gun would not trigger the law, but the provision has still led gun enthusiasts to bully dealers to keep smart guns off the market everywhere in the U.S. Opponents of smart guns say that they aren’t fully reliable. Some, including Kloepfer’s, will need batteries to be recharged once a year or so. Still, if Veronica Rutledge had had one in her purse in that Idaho Walmart, her son wouldn’t have been able to shoot and kill her. “Smart guns are going to save lives,” says Stephen Teret, a gun expert at the Johns Hopkins Bloomberg School of Public Health. “They’re not going to save all lives, but why wouldn’t we want to make guns as safe a consumer product as possible?” David Hemenway, a public health expert at Harvard, says that the way forward is for police departments or the military to buy smart guns, creating a market and proving they work. An interfaith group of religious leaders is also appealing to gun industry leaders, ahead of the huge annual trade show in Las Vegas with 65,000 attendees, to drop opposition to smart guns. Smart guns aren’t a panacea. But when even a 17-year-old kid can come up with a safer gun, why should the gun lobby be so hostile to the option of purchasing one? Something is amiss when we protect our children from toys that they might swallow, but not from firearms. So Veronica Rutledge is dead, and her son will grow up with the knowledge that he killed her — and we all bear some responsibility when we don’t even try to reduce the carnage.

## Giroux

#### Focus on accessibility of guns over gun culture mask systemic issues that perpetuate violence

Giroux 12, by Dr. Henry A. “Colorado Shooting Is About More Than Gun Culture,” www.dailykos.com/story/2012/07/23/1112894/--Colorado-Shooting-Is-About-More-Than-Gun-Culture-by-Dr-Henry-A-Giroux July 23, 2012. NP.

The current reporting about the recent tragic shooting in Aurora, Colorado, is very discouraging. **T**he media response to the alleged murderous rampage by James Holmes largely focuses on the guns he used, the easy availability of the ammunition he stockpiled, the booby trapping of his apartment and the ways in which he meticulously prepared for the carnage he allegedly produced. This is a similar script we saw unfold after the massacres at Columbine high school; Virginia Tech; Fort Hood; the supermarket in Tucson, Arizona; and the more recent gang shootings in Chicago. Immediately following such events, there is the expected call for gun control, new legislation to limit the sale of assault rifles and a justifiable critique of the pernicious policies of the National Rifle Association. One consequence is that the American public is being inundated with figures about gun violence ranging from the fact that more than 84 people are killed daily with guns to the shocking statistic that there are more than 300,000 gun-related deaths annually. To bring home the deadly nature of firearms in America, Juan Cole has noted that in 2010 there were 8,775 murders by firearms in the US, while in Britain there were 638. These are startling figures, but they do not tell us enough about the cult and spectacle of violence in American society. Another emerging criticism is that neither President Obama nor Mitt Romney has spoken out about gun control in the aftermath of the Aurora shooting. Gun control matters, but it is only one factor in the culture of symbolic and institutional violence that has such a powerful grip on the everyday workings of American society. The issue of violence in America goes far beyond the issue of gun control, and in actuality, when removed from a broader narrative about violence in the United States, it can serve to deflect the most important questions that need to be raised.

Violence saturates our culture both domestically and in our approach to foreign policy. Domestically, violence weaves through the culture like a highly charged electric current burning everything in its path. Popular culture, extending from Hollywood films and sports thuggery to video games, embraces the spectacle of violence as the primary medium of entrainment. Brutal masculine authority and the celebration of violence it embraces have become the new norm in America. Representations of violence dominate the media and often parade before viewers less as an object of critique than as a for-profit spectacle, just as the language of violence now shapes our political discourse. The registers of violence now shape school zero-tolerance policies, a bulging prison-industrial complex and a growing militarization of local police forces. State violence wages its ghastly influence through a concept of permanent war, targeted assassinations, an assault on civil liberties and the use of drone technologies that justifies the killing of innocent civilians as collateral damage. Just as body counts increase in the United States, so do acts of violent barbarism take place abroad. Increasingly, we are inundated with stories about American soldiers committing horrendous acts of violence against civilians in Afghanistan, with the most recent being the murders committed by the self-named "kill team" and the slaughter of men, women and children allegedly by Staff Sgt. Robert Bales. The United States has become addicted to war and a war economy just as we increasingly have become addicted to building prisons and incarcerating minorities marginalized by class and race. And, moreover, we have become immune to the fact of such violence.

#### Normalization of violence perpetuates systemic oppression and prevents us from questioning the social conditions from which it emerges

Giroux 12, by Dr. Henry A. “Colorado Shooting Is About More Than Gun Culture,” www.dailykos.com/story/2012/07/23/1112894/--Colorado-Shooting-Is-About-More-Than-Gun-Culture-by-Dr-Henry-A-Giroux July 23, 2012. NP.

Violence in the United States is a commodity mined for profit, a practice that has become normalized and a spectacle that extends the limits of the pleasure quotient in ways that should be labeled as both pathological and dangerous. We are not just voyeurs to such horrors; we have become complicit and reliant on violence as a mediating force that increasingly shapes our daily experiences. The culture of violence makes it increasingly difficult to imagine pleasure in any other terms except through the relentless spectacle of gratuitous violence and cruelty, even as we mourn its tragic effects in everyday life when it emerges in horrifying ways such as the senseless killing in Colorado. Increasingly, institutions are organized for the production of violence such as schools, prisons, detention centers and our major economic institutions. Rather than promote democratic values, a respect for others and embrace social responsibility, they often function largely to humiliate, punish and demonize any vestige of social responsibility. Our political system is now run by a financial oligarchy that is comparable to what Alain Badiou calls a "regime of gangsters." And as he rightly argues, the message we get from the apostles of casino capitalism carries with it another form of social violence: "Privatize everything. Abolish help for the weak, the solitary, the sick and the unemployed. Abolish all aid for everyone except the banks. Don't look after the poor; let the elderly die. Reduce the wages of the poor, but reduce the taxes on the rich. Make everyone work until they are ninety. Only teach mathematics to traders, reading to big property-owners and history to on-duty ideologues. And the execution of these commands will in fact ruin the life of millions of people."(1) It is precisely this culture of cruelty that has spread throughout America that makes the larger public not merely susceptible to violence, but also luxuriates in its alleged pleasures. We are a country gripped in a survival of the fittest ethic and one consequence is not merely a form of hyper masculinity and a new-found indulgence in the pleasure of violence, but the toxic emergence of a formative culture in which matters of ethics, justice and social responsibility are absent from what it means to create the conditions for a citizenry able to hold power accountable, produce citizens capable of caring for others and offer the conditions for young and old alike to be able to think critically and act compassionately. Justice in the United States has taken a bad hit and its absence can be measured not only in the vast inequalities that characterize all facets of everyday life from the workings of the justice system to the limited access poor and middle-class people now have to decent health care, schools and social protections, but also in a government that separates economics from social costs while selling its power and resources to the highest bidder. America needs to talk more about how and why violence is so central to its national identity, what it might mean to address this educationally and tackle the necessity of understanding this collective pathology of violence not just through psychological and isolated personal narratives, but through the wider ideological and structural forces that both produce such violence and are sustained by it.(2) 1. Alain Badiou, "The Rebirth of History (London: Verso, 2012), p. 13.

## Gopnik

The second amendment literally has the world ‘regulate’ in it and refers to the government – that’s how the words were used when the framer’s wrote the amendment

Gopnik 15, Adam. The Second Amendment Is a Gun-Control Amendment. The New Yorker. readersupportednews.org/opinion2/277-75/32756-focus-the-second-amendment-is-a-gun-control-amendment October 4th, 2015. (Adam Gopnik (born August 24, 1956) is a Canadian American writer, essayist and commentator. He is best known as a staff writer for The New Yorker—to which he has contributed non-fiction, fiction, memoir and criticism since 1986[1]—and as the author of the essay collection Paris to the Moon, an account of five years that Gopnik, his wife Martha, and son Luke spent in the French capital.) NP.

More standard, and seemingly more significant, is the claim—often made by those who say they recognize the tragedy of mass shootings and pretend, at least, that they would like to see gun sanity reign in America—that the Second Amendment acts as a barrier to anything like the gun laws, passed after mass shootings, that have saved so many lives in Canada and Australia. Like it or not, according to this argument, the Constitution limits our ability to control the number and kinds of guns in private hands. Even the great Jim Jeffries, in his memorable standup on American madness, says, “Why can’t you change the Second Amendment? It’s an amendment!”—as though further amending it were necessary to escape it. In point of historical and constitutional fact, nothing could be further from the truth: the only amendment necessary for gun legislation, on the local or national level, is the Second Amendment itself, properly understood, as it was for two hundred years in its plain original sense. This sense can be summed up in a sentence: if the Founders hadn’t wanted guns to be regulated, and thoroughly, they would not have put the phrase “well regulated” in the amendment. (A quick thought experiment: What if those words were not in the preamble to the amendment and a gun-sanity group wanted to insert them? Would the National Rifle Association be for or against this change? It’s obvious, isn’t it?) The confusion is contemporary. (And, let us hope, temporary.) It rises from the younger-than-springtime decision D.C. v. Heller, from 2008, when Justice Antonin Scalia, writing for a 5–4 majority, insisted that, whether he wanted it to or not, the Second Amendment protected an individual right to own a weapon. (A certain disingenuous show of disinterestedness is typical of his opinions.) This was an astounding constitutional reading, or misreading, as original as Citizens United, and as idiosyncratic as the reasoning in Bush v. Gore, which found a conclusive principle designed to be instantly discarded—or, for that matter, as the readiness among the court’s right wing to overturn a health-care law passed by a supermajority of the legislature over a typo. Anyone who wants to both grasp that decision’s radicalism and get a calm, instructive view of what the Second Amendment does say, and was intended to say, and was always before been understood to say, should read Justice John Paul Stevens’s brilliant, persuasive dissent in that case. Every person who despairs of the sanity of the country should read it, at least once, not just for its calm and irrefutable case-making but as a reminder of what sanity sounds like. Stevens, a Republican judge appointed by a Republican President, brilliantly analyzes the history of the amendment, making it plain that for Scalia, et al., to arrive at their view, they have to reference not the deliberations that produced the amendment but, rather, bring in British common law and lean on interpretations that arose long after the amendment was passed. Both “keep arms” and “bear arms,” he demonstrates, were, in the writers’ day, military terms used in military contexts. (Gary Wills has usefully illuminated this truth in the New York Review of Books.) The intent of the Second Amendment, Stevens explains, was obviously to secure “to the people a right to use and possess arms in conjunction with service in a well-regulated militia.” The one seemingly sound argument in the Scalia decision—that “the people” in the Second Amendment ought to be the same “people” referenced in the other amendments, that is, everybody—is exactly the interpretation that the preamble was meant to guard against. Stevens’s dissent should be read in full, but his conclusion in particular is clear and ringing: The right the Court announces [in Heller] was not “enshrined” in the Second Amendment by the Framers; it is the product of today’s law-changing decision. . . . Until today, it has been understood that legislatures may regulate the civilian use and misuse of firearms so long as they do not interfere with the preservation of a well-regulated militia. The Court’s announcement of a new constitutional right to own and use firearms for private purposes upsets that settled understanding . . . Justice Stevens and his colleagues were not saying, a mere seven years ago, that the gun-control legislation in dispute in Heller alone was constitutional within the confines of the Second Amendment. They were asserting that essentially every kind of legislation concerning guns in the hands of individuals was compatible with the Second Amendment—indeed, that regulating guns in individual hands was one of the purposes for which the amendment was offered. So there is no need to amend the Constitution, or to alter the historical understanding of what the Second Amendment meant. No new reasoning or tortured rereading is needed to reconcile the Constitution with common sense. All that is necessary for sanity to rule again, on the question of guns, is to restore the amendment to its commonly understood meaning as it was articulated by this wise Republican judge a scant few years ago. And all you need for that is one saner and, in the true sense, conservative Supreme Court vote. One Presidential election could make that happen.

## Broderick

#### Apocalyptic justifications for gun ownership are self-fulfilling prophecies and fuel the military industrial complex

Broderick 13, Rick. Our very own settler problem: America’s Culture-of-Gun-Deaths. www.tcdailyplanet.net/our-very-own-settler-problem-america-s-culture-death/ January 14, 2013. NP.

This boar’s nest is faithfully nurtured by a shadowy web of far right/Christian right media outlets few of us in the daylight world ever encounter. These are the evangelical TV networks, hate-talk radio shows, websites, and more that feed apocalyptic fantasies. The secular versions of this ceaseless propaganda cite fringe economists prophesizing a hyperinflation sure to trigger the collapse of American society. That collapse, according to this scenario, will send zombie hordes of black people, immigrants, liberals, and assorted other “looters” and “moochers” out into the country to prey upon isolated homesteads, so better stock up on guns, ammo, gold coins, and survivalist gear, all of which just happen to be available from our advertisers. Similar nonsense is peddled by the right-wing evangelical media, only there, in addition to buying gold and survivalist gear you are urged to purchase special bibles or sign up to make monthly payments to be included in prayer sessions or for other legerdemain that will keep you safe during the coming End Times. In some cases, both the secular and evangelical version of these delusions hold that the collapse of American society has already taken place, we just aren’t hearing about it because the “lamestream media” is in cahoots with Muslim jihadists or the U.N. One World Government crowd or – you name the bad guys in your favorite conspiracy theory. How widespread are these delusions? Hard to say. But one thing is certain: however small a percentage of the general population, the folks who cling to these apocalyptic fantasies tend also to be heavily armed – and beyond reason. The recent outburst by wingnut radio talk show host, Alex Jones on the Piers Morgan show is a good example of why we have what we might think of as our very own “settler problem” in the U.S., similar to the one Israel faces in the Occupied Territories. For reasons of both commercial and political expediency, we have allowed to develop in our midst a sizable contingent of armed fanatics, some of whom will resist – violently – any effort to keep military-style weapons out of the hands of civilians. At the same time, no even semi-organized society is going to continue to tolerate repeated massacres of schoolchildren, movie-goers, shoppers at the local mall, or attendees at synagogues, churches or mosques without taking effective action to protect people simply to appease a tiny minority of extremists. That means change is coming to the American gun culture. But that also means for some American citizens, the truculent death wish embodied in the slogan “You’ll take my gun from me when you pry my cold, dead fingers from around the barrel” may very well turn out to be a blood-drenched, self-fulfilling prophecy.

## SGL

#### Guns don’t promote self-defense, they put the owner at higher risk

SGL 15. Statistics on the Dangers of Gun Use for Self-Defense. May 11th, 2015. smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/ NP

Guns kept in the home are more likely to be involved in a fatal or nonfatal unintentional shooting, criminal assault or suicide attempt than to be used to injure or kill in self-defense.[1](http://smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/#footnote_0_6085)  That is, a gun is more likely to be used to kill or injure an innocent person in the home than a threatening intruder.

Though guns may be successfully used in self-defense even when they are not fired, the evidence shows that their presence in the home makes a person more vulnerable, not less.  Instead of keeping owners safer from harm, objective studies confirm that firearms in the home place owners and their families at greater risk.  Research published in the New England Journal of Medicine found that living in a home where guns are kept increased an individual’s risk of death by homicide by between 40 and 170%.[2](http://smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/#footnote_1_6085)  Another study published in the American Journal of Epidemiology similarly found that “persons with guns in the home were at greater risk of dying from a homicide in the home than those without guns in the home.”  This study determined that the presence of guns in the home increased an individual’s risk of death by homicide by 90%.[3](http://smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/#footnote_2_6085)

#### Having a gun’s not good for self-defense, it increases chance of injury

SGL 15. Statistics on the Dangers of Gun Use for Self-Defense. May 11th, 2015. smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/ NP

Claims that guns are used defensively millions times every year have been widely discredited.  Using a gun in self-defense is no more likely to reduce the chance of being injured during a crime than various other forms of protective action.[4](http://smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/#footnote_3_6085) At least one study has found that carrying a firearm significantly increases a person’s risk of being shot in an assault; research published in the American Journal of Public Health reported that, even after adjusting for confounding factors,  individuals who were in possession of a gun were about 4.5 times more likely to be shot in an assault than those not in possession.[5](http://smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/#footnote_4_6085)

#### Gun lobby evidence is super wrong – like, 98.5% wrong – guns are barely used for self-defense

SGL 15. Statistics on the Dangers of Gun Use for Self-Defense. May 11th, 2015. smartgunlaws.org/category/gun-studies-statistics/gun-violence-statistics/ NP

The gun lobby has often cited to a thoroughly debunked statistic that guns are used defensively 2.5 million times per year in the United States. That discredited estimate came from a 1995 study that suffered from several fatal methodological flaws, including its reliance on only 66 responses in a telephone survey of 5,000 people, multiplied out to purportedly represent over 200 million American adults.6 The authors of that discredited study themselves stated that in up to 64% of their reported defensive gun use cases, the guns were carried or used illegally, including cases where the victim was actually the aggressor.7 A study published in 2013 by the Violence Policy Center, using five years of nationwide statistics (2007-2011) compiled by the federal Bureau of Justice found that defensive gun use occurs at a dramatically lower rate, about 98.5% lower than the gun lobby has claimed.8 The V.P.C. also found that for every one justifiable homicide in the United States involving a gun, guns were used in 44 criminal homicides.9 This ratio does not take into account the tens of thousands of lives lost in gun suicides or accidental shootings every year.

## Herbert

#### Getting shot’s expensive

Herbert 9, Bob. A Culture Soaked in Blood. www.nytimes.com/2009/04/25/opinion/25herbert.html?scp=1&sq=Bob%20Herbert,%20“A%20Culture%20Soaked%20in%20Blood&st=Search April 24, 2009. NP

**The medical cost of treating gunshot wounds in the U.S. is estimated to be well more than $2 billion annually**. And the Violence Policy Center, a gun control advocacy group, has noted that **nonfatal gunshot wounds are the leading cause of uninsured hospital stays.**

#### U.S. has a huge gun culture and people don’t talk about it – silence means we’re complicit in the system

Herbert 9, Bob. A Culture Soaked in Blood. www.nytimes.com/2009/04/25/opinion/25herbert.html?scp=1&sq=Bob%20Herbert,%20“A%20Culture%20Soaked%20in%20Blood&st=Search April 24, 2009. NP

Guns. Philip Markoff, a medical student, supposedly carried his semiautomatic in a hollowed-out volume of “Gray’s Anatomy.” Police believe he used it in a hotel room in Boston last week to murder Julissa Brisman, a 26-year-old woman who had advertised her services as a masseuse on Craigslist. In Palm Harbor, Fla., a 12-year-old boy named Jacob Larson came across a gun in the family home that, according to police, his parents had forgotten they had. Jacob shot himself in the head and is in a coma, police said. Authorities believe the shooting was accidental. There is no way to overstate the horror of gun violence in America. Roughly 16,000 to 17,000 Americans are murdered every year, and more than 12,000 of them, on average, are shot to death. This is an insanely violent society, and the worst of that violence is made insanely easy by the widespread availability of guns. When the music producer Phil Spector decided, for whatever reason, to kill the actress, Lana Clarkson, all he had to do was reach for his gun — one of the 283 million privately owned firearms that are out there. When John Muhammad and his teenage accomplice, Lee Malvo, went on a killing spree that took 10 lives in the Washington area, the absolute least of their worries was how to get a semiautomatic rifle that fit their deadly mission. Photo Bob Herbert We’re confiscating shampoo from carry-on luggage at airports while at the same time handing out high-powered weaponry to criminals and psychotics at gun shows. There were ceremonies marking the recent 10th anniversary of the shootings at Columbine High School, but very few people remember a mass murder just five months after Columbine, when a man with a semiautomatic handgun opened fire on congregants praying in a Baptist church in Fort Worth. Eight people died, including the gunman, who shot himself. A little more than a year before the Columbine killings, two boys with high-powered rifles killed a teacher and four little girls at a school in Jonesboro, Ark. That’s not widely remembered either. When something is as pervasive as gun violence in the U.S., which is as common as baseball in the summertime, it’s very hard for individual cases to remain in the public mind. Homicides are only a part of the story. While more than 12,000 people are murdered with guns annually, the Brady Campaign to Prevent Gun Violence (using the latest available data) tells us that more than 30,000 people are killed over the course of one typical year by guns. That includes 17,000 who commit suicide, nearly 800 who are killed in accidental shootings and more than 300 killed by the police. (In many of the law enforcement shootings, the police officers are reacting to people armed with guns). And then there are the people who are shot but don’t die. Nearly 70,000 fall into that category in a typical year, including 48,000 who are criminally attacked, 4,200 who survive a suicide attempt, more than 15,000 who are shot accidentally, and more than 1,000 — many with a gun in possession — who are shot by the police. The medical cost of treating gunshot wounds in the U.S. is estimated to be well more than $2 billion annually. And the Violence Policy Center, a gun control advocacy group, has noted that nonfatal gunshot wounds are the leading cause of uninsured hospital stays. Continue reading the main story RECENT COMMENTS Diane Rantanen April 26, 2009 Bravo. Please keep up the fight against the insanely easy access to guns in America. When my (now grown) children were invited to a... KS April 26, 2009 Currently the matter of guns is emblematic of the American society's particular struggle with the universal human question "Who am I?" Hot... buddhi April 26, 2009 the reason the gun nuts want to keep their guns is that they consider themselves the red line protecting all of us from total state control;... SEE ALL COMMENTS The toll on children and teenagers is particularly heartbreaking. According to the Brady Campaign, more than 3,000 kids are shot to death in a typical year. More than 1,900 are murdered, more than 800 commit suicide, about 170 are killed accidentally and 20 or so are killed by the police. Another 17,000 are shot but survive. I remember writing from Chicago two years ago about the nearly three dozen public school youngsters who were shot to death in a variety of circumstances around the city over the course of just one school year. Arne Duncan, who was then the chief of the Chicago schools and is now the U.S. secretary of education, said to me at the time: “That’s more than a kid every two weeks. Think about that.” Actually, that’s our problem. We don’t really think about it. If the crime is horrible enough, we’ll go through the motions of public anguish but we never really do anything about it. Americans are as blasé as can be about this relentless slaughter that keeps the culture soaked in blood. This blasé attitude, this willful refusal to acknowledge the scope of the horror, leaves the gun nuts free to press their crazy case for more and more guns in ever more hands. They’re committed to keeping the killing easy, and we should be committed for not stopping them.

## Sorkin Ross

#### There’s a lot of money in the gun industry!!

Sorkin Ross 12, Andrew. Wall Street, Invested in Firearms, Is Unlikely to Push for Reform. dealbook.nytimes.com/2012/12/17/wall-street-invested-in-firearms-is-unlikely-to-push-for-reform/ December 17, 2012. NP

It is often overlooked, but some of the biggest gun makers in the nation are owned by private equity funds run by Wall Street titans. The .223 Bushmaster semiautomatic rifle that was used on Friday by Adam Lanza to massacre 20 schoolchildren was manufactured by the Freedom Group, a gun behemoth controlled by Cerberus Capital Management, named after the three-headed dog of Greek myth that guarded the gates of Hades. Its founder, Stephen A. Feinberg, hunts regularly on the weekends with a Remington Model 700. Besides Cerberus, Colt Defense, a spinoff from the manufacturer of the .44-40 Colt revolver made famous by John Wayne, is jointly owned by Sciens Capital Management, a fund advised by the Blackstone Group and another fund run by Credit Suisse. DealBook Column On Colt Defense’s Web site, it markets weapons for law enforcement and the military, including a 9-millimeter submachine gun that looks like something out of the video game Call of Duty. These are weapons you hope never fall into consumers’ hands. And then there is MidOcean Partners, a private equity firm that once owned the diet company Jenny Craig that now controls Bushnell Outdoor Products. Bushnell makes just about everything for a gun except the gun itself, for both the hunting and “tactical” markets. Need a laser scope for your semiautomatic handgun? Bushnell makes one called the Tactical Red Dot: First Strike. How about military-grade night-vision goggles? Yep, it has a subsidiary that makes them. Looking for a “loader” for your AK-47? It has you covered. Or what about a magazine for bullets? One of its subsidiaries sells the Hot Lips 10-Round Magazine, which is marketed this way: “Put 10 rounds through your 10/22 faster than the blink of an eye, and reload with amazing ease.” (Really, folks. It also makes a 25-round version.) Perhaps it should not be a surprise, but Wall Street will hardly take a leadership position in the conversation about gun control. The more vocal stances could come from pension funds questioning their investments in gun makers, though they may be loath to take a stand. Since the killings on Friday, the Freedom Group and other notable gun manufacturers have not commented on the tragedy — not even a basic, “We condemn such violence and pray for the families of Newtown.” When I called Mr. Feinberg, he declined to comment, as did others. About a year ago, the National Rifle Association issued this statement about Freedom and Cerberus: “The owners and investors involved are strong supporters of the Second Am

endment and are avid hunters and shooters.” Cerberus and other funds with ownership stakes in the gun industry would be in an awkward position if they sought reforms that could hurt their investments. Cerberus invests money in companies like Freedom for other investors, including public pension funds. It has a fiduciary duty to maximize investors’ returns. However, some of its investors may be rethinking their position on investing in companies like Freedom, which was used as an acquisition vehicle to buy up brands including Remington Arms, as well as Bushmaster Firearms and DPMS Firearms, a leading maker of military-style semiautomatics. The California State Teachers’ Retirement System, which has a stake in Freedom through a $751.4 million investment in Cerberus’s funds, said Monday it was reviewing its investment. “At this point our investment branch is examining the Cerberus investment to determine how best to move forward given the tragic events of last Friday in Newtown, Conn.,” the company said in a statement to Reuters. Private equity firms have a long history of investing in “sin” companies, including guns, alcohol, gambling and tobacco, in part because the companies often are inherently discounted. Kohlberg Kravis Roberts acquired RJR Nabisco in 1988; the R. J. Reynolds Tobacco Company was later spun off. On Monday, Eliot L. Spitzer, the former governor of New York and the former New York State attorney general, called on Cerberus’s investors to pressure it to try to reform the gun industry. “While Cerberus, whose array of holdings is vast, is generally immune to public pressure and the opprobrium of trafficking in products that while legal may be marketed in a loathsome way, Cerberus would not be immune to pressure brought by its own investors,” he wrote on Slate. He added: “Every student at a university should ask the university if it is invested in Cerberus. Every member of a union should ask their pension-fund managers if they are invested. Information is the key first step. From there, action will quickly follow.” If Mr. Spitzer is right, the economic impact of such reform may be painful for its investors. About two years ago, when Freedom sought to pursue an I.P.O. (which was later shelved) it identified gun control as one of its biggest “risk factors.” “The regulation of firearms and ammunition may become more restrictive in the future and any such development might have a material adverse effect on our business, financial condition, results of operations or cash flows,” the company told potential investors. “In addition, regulatory proposals, even if never enacted, may affect firearms or ammunition sales as a result of consumer perceptions.”

## Giroux

#### State-sponsored violence leads to indiscriminate killings

Giroux 12, Henry A. | Violence, USA: The Warfare State and the Brutalizing of Everyday Life. www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life May 2, 2012. (Henry A. Giroux currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University.)a NP.

As the preferred "instrument of statecraft,"[(2)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a2) war and its intensifying production of violence cross borders, time, space and places. Seemingly without any measure of self-restraint, state-sponsored violence flows and regroups, contaminating both foreign and domestic policies. One consequence of the permanent warfare state is evident in the public revelations concerning a number of war crimes committed recently by US government forces. These include the indiscriminate killings of Afghan civilians by US drone aircraft; the barbaric murder of Afghan children and peasant farmers by American infantrymen infamously labeled as "the kill team";[(3)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a3)disclosures concerning four American Marines urinating on dead Taliban fighters; and the recent uncovering of photographs showing "more than a dozen soldiers of the 82nd Airborne Division's Fourth Brigade Combat Team, along with some Afghan security forces, posing with the severed hands and legs of Taliban attackers in Zabul Province in 2010."[(4)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a4) And, shocking even for those acquainted with standard military combat, there is the case of Army Staff Sgt. Robert Bales, who "walked off a small combat outpost in Kandahar province and slaughtered 17 villagers, most of them women and children and later walked back to his base and turned himself in."[(5)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a5) Mind-numbing violence, war crimes and indiscriminate military attacks on civilians on the part of the US government are far from new, of course, and date back to infamous acts such as the air attacks on civilians in Dresden along with the atomic bombings of Hiroshima and Nagasaki during World War II.[(6)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a6) Military spokespersons are typically quick to remind the American public that such practices are part of the price one pays for combat and are endemic to war itself.

#### Military industrial complex leads to dehumanization

Giroux 12, Henry A. | Violence, USA: The Warfare State and the Brutalizing of Everyday Life. www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life May 2, 2012. (Henry A. Giroux currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University.)a NP.

The history of atrocities committed by the United States in the name of war need not be repeated here, but some of these incidents have doubled in on themselves and fueled public outrage against the violence of war.[(7)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a7) One of the most famous was the My Lai massacre, which played a crucial role in mobilizing anti-war protests against the Vietnam War. Even dubious appeals to national defense and honor can provide no excuse for mass killings of civilians, rapes and other acts of destruction that completely lack any justifiable military objective. Not only does the alleged normative violence of war disguise the moral cowardice of the warmongers, it also demonizes the enemy and dehumanizes soldiers. It is this brutalizing psychology of desensitization, emotional hardness and the freezing of moral responsibility that is particularly crucial to understand, because it grows out of a formative culture in which war, violence and the dehumanization of others becomes routine, commonplace and removed from any sense of ethical accountability.

#### Violence has a huge role in today’s neoliberal economy~

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It is necessary to recognize that **ac**ts of extreme violence and cruelty do not represent merely an odd or marginal and private retreat into barbarism. On the contrary, warlike values and the social mindset they legitimate have become the primary currency of a market-driven culture, which takes as its model a Darwinian shark tank in which only the strong survive. At work in the new hyper-social Darwinism is a view of the other as the enemy; an all-too-quick willingness in the name of war to embrace the dehumanization of the other; and an only too-easy acceptance of violence, however extreme, as routine and normalized. As many theorists have observed, the production of extreme violence in its various incarnations is now a show and source of profit for Hollywood moguls, mainstream news, popular culture and the entertainment industry and a major market for the defense industries.(8)

This pedagogy of brutalizing hardness and dehumanization is also produced and circulated in schools, boot camps, prisons, and a host of other sites that now trade in violence and punishment for commercial purposes, or for the purpose of containing populations that are viewed as synonymous with public disorder. The mall, juvenile detention facilities, many public housing projects, privately owned apartment buildings and gated communities all embody a model of failed sociality and have come to resemble proto-military spaces in which the culture of violence and punishment becomes the primary order of politics, fodder for entertainment and an organizing principle for society. Even public school reform is now justified in the dehumanizing language of national security, which increasingly legitimates the transformation of schools into adjuncts of the surveillance and police state.[(9)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a8)

#### Neoliberal ideologies has permeated academic spaces – schools have increasingly become war zones

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The privatization and militarization of schools mutually inform each other as students are increasingly subjected to disciplinary apparatuses which limit their capacity for critical thinking, mold them into consumers, test them into submission, strip them of any sense of social responsibility and convince large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system than by being valued members of thy public schools. All of these spaces and institutions, from malls to schools, are coming to resemble war zones. They produce and circulate forms of symbolic and real violence that dissolve the democratic bonds of social reciprocity just as they appeal incessantly to the market-driven egocentric interests of the autonomous individual, a fear of the other and a stripped-down version of security that narrowly focuses on personal safety rather than collective security nets and social welfare.

#### Securitization causes state surveillance, targets poor minorities who are written off as threats to the state, and is used to limit rights

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War and the organized production of violence has also become a form of governance increasingly visible in the ongoing militarization of police departments throughout the United States. According to the Homeland Security Research Corp, "The homeland security market for state and local agencies is projected to reach $19.2 billion by 2014, up from $15.8 billion in fiscal 2009."[(15)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a15) The structure of violence is also evident in the rise of the punishing and surveillance state,[(16)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a16) with its legions of electronic spies and ballooning prison population - now more than 2.3 million. Evidence of state-sponsored warring violence can also be found in the domestic war against "terrorists" (code for young protesters), which provides new opportunities for major defense contractors and corporations to become "more a part of our domestic lives."[(17)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a17) Young people, particularly poor minorities of color, have already become the targets of what David Theo Goldberg calls "extraordinary power in the name of securitization ... [they are viewed as] unruly populations ... [who] are to be subjected to necropolitical discipline through the threat of imprisonment or death, physical or social."[(18)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a18) The rhetoric of war is now used by politicians not only to appeal to a solitary warrior mentality in which responsibility is individualized, but also to attack women's reproductive rights, limit the voting rights of minorities and justify the most ruthless cutting of social protections and benefits for public servants and the poor, unemployed and sick.

#### Gun culture cannibalizes American democracy – failure to focus on consequences destroys institutions

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Gun culture now rules American values, if not also many of US domestic policies. The National Rifle Association is the emerging symbol of what America has come to represent, perfectly captured in T-shirts worn by its followers that brazenly display the messages "I hate welfare" and "If any would not work neither should he eat."[(21)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a21)The relationship Americans have to guns may be complicated, but the social costs are less nuanced and certainly more deadly. In a country with "90 guns for every 100 people," it comes as no surprise, as Gary Younge points out, that "more than 85 people a day are killed with guns and more than twice that number are injured with them."[(22)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a22) The merchants of death trade in a formative and material culture of violence that causes massive suffering and despair while detaching themselves from any sense of moral responsibility. Social costs are rarely considered, in spite of the endless trail of murders committed by the use of such weapons and largely inflicted on poor minorities. Violence has become not only more deadly, but flexible, seeping into a range of institutions, cannibalizing democratic values and merging crime and terror. As Jean and John Comaroff point out, under such circumstances a social order emerges that "appears ever more impossible to apprehend, violence appears ever more endemic, excessive and transgressive and police come, in the public imagination, to embody a nervous state under pressure."[(23)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a23) Public disorder becomes both a spectacle and an obsession and is reflected in advertising and other everyday venues - advertising can even "transform nightmare into desire.... [Yet] violence is never just a matter of the circulation of images. Its exercise, legitimate or otherwise, tends to have decidedly tangible objectives. And effects."[(24)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a24)

#### Rhetoric of fear feeds into gun culture and the military industrial complex by enabling companies to profit off of fear – this leads to authoritarianism

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In American society, the seductive power of the spectacle of violence is fed through a framework of fear, blame and humiliation that circulates widely in popular culture. The consequence is a culture marked by increasing levels of inequality, suffering and disposability. There is not only a "surplus of rage," but also a collapse of civility in which untold forms of violence, humiliation and degradation proliferate. Hyper-masculinity and the spectacle of a militarized culture now dominate American society - one in which civility collapses into rudeness, shouting and unchecked anger. What is unique at this historical conjuncture in the United States is that such public expression of hatred, violence and rage "no longer requires concealment but is comfortable in its forthrightness."[(30)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a30) How else to explain the support by the majority of Americans for state sanctioned torture, the public indifference to the mass incarceration of poor people of color, or the public silence in the face of police violence in public schools against children, even those in elementary schools? As war becomes the organizing principle of society, the ensuing effects of an intensifying culture of violence on a democratic civic culture are often deadly and invite anti-democratic tendencies that pave the way for authoritarianism.

#### There is no democracy regarding gun-regulation; financial and military elites control the system

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In addition, as the state is hijacked by the financial-military-industrial complex, the "most crucial decisions regarding national policy are not made by representatives, but by the financial and military elites."[(31)](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a31) Such massive inequality and the suffering and political corruption it produces point to the need for critical analysis in which the separation of power and politics can be understood. This means developing terms that clarify how power becomes global even as politics continues to function largely at the national level, with the effect of reducing the state primarily to custodial, policing and punishing functions - at least for those populations considered disposable.

#### We should have critical discussions about the prison industrial complex!!

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The state exercises its slavish role in the form of lowering taxes for the rich, deregulating corporations, funding wars for the benefit of the defense industries and devising other welfare services for the ultra-rich. There is no escaping the global politics of finance capital and the global network of violence that it has created. Resistance must be mobilized globally and politics restored to a level where it can make a difference in fulfilling the promises of a global democracy. But such a challenge can only take place if the political is made more pedagogical and matters of education take center stage in the struggle for desires, subjectivities and social relations that refuse the normalizing of violence as a source of gratification, entertainment, identity and honor. War in its expanded incarnation works in tandem with a state organized around the production of widespread violence. Such a state is necessarily divorced from public values and the formative cultures that make a democracy possible. The result is a weakened civic culture that allows violence and punishment to circulate as part of a culture of commodification, entertainment and distraction. In opposing the emergence of the United States as both a warfare and a punishing state, I am not appealing to a form of left moralism meant simply to mobilize outrage and condemnation. These are not unimportant registers, but they do not constitute an adequate form of resistance. What is needed are modes of analysis that do the hard work of uncovering the effects of the merging of institutions of capital, wealth and power and how this merger has extended the reach of a military-industrial-carceral and academic complex, especially since the 1980s. This complex of ideological and institutional elements designed for the production of violence must be addressed by making visible its vast national and global interests and militarized networks, as indicated by the fact that the United States has over a 1,000 military bases abroad. Equally important is the need to highlight how this military-industrial-carceral and academic complex uses punishment as a structuring force to shape national policy and everyday life. Challenging the warfare state also has an important educational component. C. Wright Mills was right in arguing that it is impossible to separate the violence of an authoritarian social order from the cultural apparatuses that nourish it. As Mills put it, the major cultural apparatuses not only "guide experience, they also expropriate the very chance to have an experience rightly called 'our own.'"(32) This narrowing of experience shorn of public values locks people into private interests and the hyper-individualized orbits in which they live. Experience itself is now privatized, instrumentalized, commodified and increasingly militarized. Social responsibility gives way to organized infantilization and a flight from responsibility. Crucial here is the need to develop new cultural and political vocabularies that can foster an engaged mode of citizenship capable of naming the corporate and academic interests that support the warfare state and its apparatuses of violence, while simultaneously mobilizing social movements in order to challenge and dismantle its vast networks of power. One central pedagogical and political task in dismantling the warfare state is, therefore, the challenge of creating the cultural conditions and public spheres that would enable the American public to move from being spectators of war and everyday violence to being informed and engaged citizens. Unfortunately, major cultural apparatuses such as public and higher education, which have been historically responsible for educating the public, are becoming little more than market-driven and militarized knowledge factories. In this particularly insidious role, educational institutions deprive students of the capacities that would enable them to not only assume public responsibilities, but also actively participate in the process of governing. Without the public spheres for creating a formative culture equipped to challenge the educational, military, market and religious fundamentalisms that dominate American society, it will be virtually impossible to resist the normalization of war as a matter of domestic and foreign policy. Any viable notion of resistance to the current authoritarian order must also address the issue of what it means pedagogically to imagine a more democratic-oriented notion of knowledge, subjectivity and agency and what might it mean to bring such notions into the public sphere. This is more than what Bernard Harcourt calls "a new grammar of political disobedience."(33) It is a reconfiguring of the nature and substance of the political so that matters of pedagogy become central to the very definition of what constitutes the political and the practices that make it meaningful. Critical understanding motivates transformative action and the affective investments it demands can only be brought about by breaking into the hard-wired forms of common sense that give war and state supported violence their legitimacy. War does not have to be a permanent social relation, nor the primary organizing principle of everyday life, society and foreign policy. The war of all against all and the social Darwinian imperative to respond positively only to one's own self-interests represent the death of politics, civic responsibility and ethics and the victory of a "failed sociality." The existing neoliberal social order produces individuals who have no commitments, except to profit, disdain social responsibility and loosen all ties to any viable notion of the public good. This regime of punishment and privatization is organized around the structuring forces of violence and militarization, which produce a surplus of fear, insecurity and a weakened culture of civic engagement - one in which there is little room for reasoned debate, critical dialogue and informed intellectual exchange.

#### Discussion of the ideologies that normalize violence come first

Giroux 12, Henry A. | Violence, USA: The Warfare State and the Brutalizing of Everyday Life. www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life May 2, 2012. (Henry A. Giroux currently holds the Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University.)a NP.

America understood as a warfare state prompts a new urgency for a collective politics and a social movement capable of negating the current regimes of political and economic power, while imagining a different and more democratic social order. Until the ideological and structural foundations of violence that are pushing American society over the abyss are addressed, the current warfare state will be transformed into a full-blown authoritarian state that will shut down any vestige of democratic values, social relations and public spheres. At the very least, the American public owes it to its children and future generations, if not the future of democracy itself, to make visible and dismantle this machinery of violence while also reclaiming the spirit of a future that works for life rather than the death worlds of the current authoritarianism, however dressed up they appear in the spectacles of consumerism and celebrity culture. It is time for educators, unions, young people, liberals, religious organizations, and other groups to connect the dots, educate themselves and develop powerful social movements that can restructure the fundamental values and social relations of democracy, while putting into place the institutions and formative cultures that make it possible. Stanley Aronowitz is right in arguing that:

#### Maintaining democracy and overcoming systemic violence requires educational spaces and discussions that confront the problems with normalization of violence

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The system survives on the eclipse of the radical imagination, the absence of a viable political opposition with roots in the general population and the conformity of its intellectuals who, to a large extent, are subjugated by their secure berths in the academy [and while] we can take some solace in 2011, the year of the protester ... it would be premature to predict that decades of retreat, defeat and silence can be reversed overnight without a commitment to what may be termed a "a long march" though the institutions, the workplaces and the streets of the capitalist metropoles.[[34]](http://www.truth-out.org/opinion/item/8859-violence-usa-the-warfare-state-and-the-brutalizing-of-everyday-life#a34)

The current protests among young people, workers, the unemployed, students, and others are making clear that this is not - indeed, cannot be - only a short-term project for reform, but must constitute a political and social movement of sustained growth, accompanied by the reclaiming of public spaces, the progressive use of digital technologies, the development of democratic public spheres, new modes of education and the safeguarding of places where democratic expression, new identities and collective hope can be nurtured and mobilized. Without broad political and social movements standing behind and uniting the call on the part of young people for democratic transformations, any attempt at radical change will more than likely be cosmetic. Any viable challenge to the new authoritarianism and its theater of cruelty and violence must include developing a variety of cultural discourses and sites where new modes of agency can be imagined and enacted, particularly as they work to reconfigure a new collective subject, modes of sociality and "alternative conceptualizations of the self and its relationship to others."(35) Clearly, if the United States is to make a claim on democracy, it must develop a politics that views violence as a moral monstrosity and war as virulent pathology. How such a claim to politics unfolds remains to be seen. In the meantime, resistance proceeds, especially among the young people who now carry the banner of struggle against the encroachment of an authoritarianism that is working hard to snuff out all vestiges of democratic life.

## Logan

#### The NRA has a ton of political power and can influence who’s elected

Logan 15, Nick. For the love of firearms: Why can’t the U.S. change gun control laws?. globalnews.ca/news/2255561/for-the-love-of-firearms-why-cant-the-u-s-change-gun-control-laws/ October 2, 2015. (World Reporter/Global National Web Producer). NP

Want an idea of just how powerful the U.S. gun lobby is? Take a look at the 2014 midterm elections, when the Republicans maintained control of Congress and took control of the Senate. At that time, the National Rifle Association, with its five million members, was the loudest voice against gun control reforms. The NRA doled out $12 million during the campaign and, according to CBS, 95 per cent of the candidates it supported won their races. “[The NRA] accuses Barack Obama’s administration of a ‘relentless assault’ on the constitutional right of citizens to keep and bear arms. Actual evidence of federal tyranny is a bit meagre—in part because the NRA is so good at whipping Washington politicians into line,” an article published by The Economist read. READ MORE: Support for gun rights runs deep in Oregon town shocked by college shooting It also spends a lot of money to do that, beyond what it spent during the 2014 midterms. A report in the Washington Post showed the NRA spent $32 million in 2012, on everything from federal lobbying ($6 million) to positive and negative advocacy ($24.3 million). It’s that kind of influence that Giroux said has created “a country in which the gun lobby can actually convince politicians that people should actually own assault rifles and large magazine clips.” And until restrictions are put in place to prevent politicians from “being bought and sold by the gun lobby,” gun control measures aren’t likely to change, Giroux added.

#### Gap in support for gun owners

Logan 15, Nick. For the love of firearms: Why can’t the U.S. change gun control laws?. globalnews.ca/news/2255561/for-the-love-of-firearms-why-cant-the-u-s-change-gun-control-laws/ October 2, 2015. (World Reporter/Global National Web Producer). NP

Americans are divided on gun control, but not as drastically as all the rhetoric may lead you to believe. There was a boost in support for gun control measures after the December 2012 shooting in Newtown, but that has slid ever since and support for protecting the rights of gun owners has steadily gone up — a trend that has more or less remained the same for the past two decades, according to the Pew Research Center. Pew reported in August the results of a bipartisan survey on gun rights versus gun control, showing support for gun control was down to about 50 per cent of Americans, while support for the rights of gun owners was at 47 per cent. In 1993, that gap between the two views was much greater: 57 per cent in favour of gun control versus 35 per cent support for gun ownership rights. There are some things Republican and Democratic voters agree on, like laws to prevent people with mental illnesses from purchasing guns (79 per cent of Republican and 81 per cent of Democrats) and background checks for gun shows and private sales (79 per cent of Republicans and 88 per cent of Democrats). Where they disagree, according to Pew’s findings, is on the issue of a database to track gun sales (85 per cent of Democrats favoured it, and 55 per cent of Republicans) and putting a [on a] ban on assault-style weapons (70 per cent of Democrats are in favour of that, but only 48 per cent of Republicans are).

## Derecho

#### People in China see America as super filled with guns based off of the media

Derecho 15, Meredith. China on American Gun Ownership: Lifestyle Freedom or Human Rights Violation?. thepolitic.org/china-on-american-gun-ownership-lifestyle-freedom-or-human-rights-violation/ Dece,ner 3rd, 2015. NP

Many Chinese, from men on trains who had never met a foreigner before to students at the Harbin Institute of Technology, a top ten university in China, assumed that all American families own guns. “How many guns does your father own?” was right up there with “Is your hair really naturally that curly?” for popular topics of conversation during my visit. A father from Urumqi was driving his wife, daughter, and me to see the new Terminator movie when he mentioned how it would be nice to be able to buy a gun to protect his family. It’s no wonder that many Chinese think all Americans have guns, though, given the seemingly endless supply in movies like The Terminator as well as the slate of recent shootings, which are often highlighted by Chinese news outlets. Wednesday’s shooting in San Bernardino, for example, was described by Xinhua, the official newswire of the Chinese Communist Party, as unsurprising given the many similar tragedies in the U.S. this year alone.

#### U.S. gun violence is a tool to diffuse criticism of CCP rights violations

Derecho 12-3, Meredith. China on American Gun Ownership: Lifestyle Freedom or Human Rights Violation?. thepolitic.org/china-on-american-gun-ownership-lifestyle-freedom-or-human-rights-violation/ Dece,ner 3rd, 2015. NP

The Chinese government has, in fact, used our problem with gun violence to diffuse the U.S.’s accusations of human rights abuses in China. In an official report entitled “Human Rights Record of the United States in 2014,” China’s State Council Information Office writes, “The U.S. was haunted by spreading guns, frequent occurrence of violent crimes, which threatened citizens’ civil rights.” Gun violence is the first alleged U.S. human rights violation that the report discusses, even before mentioning CIA torture, racial and gender discrimination, and police brutality. The CCP condemns American gun violence as a human rights violation, while many Chinese citizens respect American civilian gun ownership. It’s a contradiction that strangely reflects the domestic debate about gun laws – a debate that has made its way to to the forefront of national dialogue over the past few months and likely won’t be going away anytime soon. Sharing Twitter0 Facebook28 Google +0 Linkedin0 Email this article Print this article Authors Meredith Derecho Tags freedom, gun control, San Bernardino, second amendment

## Rhodes

#### Fears about security leads to securitization and huge spending

Rhodes, Richard. “Top Secret America The Rise of the New American Security State” by Dana Priest and William M. Arkin. https://www.washingtonpost.com/entertainment/books/top-secret-america-the-rise-of-the-new-american-security-state-by-dana-priest-and-william-m-arkin/2011/09/30/gIQAvkkUkL\_story.html October 14, 2011. NP

Then came 9/11, courtesy of al-Qaeda, followed by the anthrax letter attacks the next month. A panicked leadership under President George W. Bush, lacking a more targeted strategy, set the intelligence community loose tracking potential terrorists with every surveillance tool it could devise. “A culture of fear,” write journalists Dana Priest and William Arkin, “had created a culture of spending to control it, which, in turn, had led to a belief that the government had to be able to stop every single plot before it took place, regardless of whether it involved one network of twenty terrorists or one single deranged person.” The resulting “security spending spree,” they report, “exceeded $2 trillion.”

## Kautzer

#### Guns and rhetoric of ‘self-defense’ reinforce subjugation and domination of minority groups

Kautzer 15, Chad. Good Guys with Guns: From Popular Sovereignty to Self-Defensive Subjectivity. Law Critique (2015) 26:173–187 DOI 10.1007/s10978-015-9156-x. April 8, 2015. NP.

My students bring guns to class. This is troubling, not only because it poses obvious health risks to others, and to the gun-toting students themselves, but because it is indicative of an emergent and pernicious form of political subjectivity in the United States—one which engenders equally problematic notions of freedom, security and sovereignty. I refer to this subjectivity as self-defensive. Its development has less to do with individual protection against criminality than with the defense of a raced and gendered form of autonomy and its ‘metaphysics of domination’ (Brown 1995, p. 6). The rapid liberalization of open- and concealed-carry laws, the proliferation of guns in public spaces and institutions, the reinterpretation of the Second Amendment of the US Constitution, and the abstraction and individuation of the Castle Doctrine in Stand Your Ground laws all contribute to the legalization of nonstate violence to defend extra-legal relations of domination.

It is therefore not crime that threatens this autonomy, but the perceived failure of the state to protect extra-legal spaces of rule that are necessary for maintaining the social structures of race and gender against gains made by feminist and anti-racist social movements. The newfound urgency in the legislative expansion of the right to self-defense, as well as extremist interpretations of this right, is a response to the threatened collapse of these spaces of domination and thus the means of identity constitution.1 Since the state is accused of being unwilling to exercise its coercive powers to stabilize these relations of domination as it has in the past, individuals have sought to arrogate such powers to themselves; a privatization of state violence through the quasi-deputization of certain groups. While I argue that the self-defensive subjectivity supported by these developments is new, it did not arise ex nihilo, but rather represents a quantitative-turnedqualitative shift within a long tradition of popular sovereignty in the United States. Historically, popular sovereignty has been predicated on the existence of spaces of lawlessness or states of exception in which private ‘sovereign subjects’ can exercise domination and non-criminal violence, be it over women, LGBTQ people, immigrants, racial minorities, prisoners, or in its most extreme form, slaves. Popular sovereignty, understood as a universal and abstract equality (de jure) among ‘the people’ for self-rule, has always contradicted its (de facto) operations as a mechanism of domination, which divides ‘the people’ (as a fictional body) into actual sub-state relations of rule. The hallmark of this tradition is the disavowal of the social conditions of individual freedom through a process of objectification and naturalization. This facilitates the practical relations that constitute the ruler or sovereign subjects through subjugating violence beyond the law.

#### Hypothetical law-abiding students who enforce norms of justice abstracts away from social relations

#### **Kautzer 15**, Chad. Good Guys with Guns: From Popular Sovereignty to Self-Defensive Subjectivity. Law Critique (2015) 26:173–187 DOI 10.1007/s10978-015-9156-x. April 8, 2015. NP.

Rarely do such slogans capture the spirit of a Weltanschauung so succinctly: the moralism of the law-abiding citizen who, like a police officer, is thought to simply suspend their particularity and group affiliations in the pursuit of enforcing universal norms; the individualism of the lone gunman who takes it upon himself to defend order; the notion that violence is the only reasonable response to transgressions; the gendered nature of the protector as masculine; and the reduction of social relations and their multiple levels of mediation to a kind of social physics whose elegant simplicity evokes Sir Isaac Newton’s first law of motion from the Principia (1687): ‘Every body perseveres in its… uniform motion… unless it is compelled to change… by forces impressed thereon’ (Newton 1846, p. 83). Social relations are here external relations free from the constraints and support of an informal normative order: there is only abstract right and the coercion thought necessary to enforce it. As Michael Waldman writes, this NRA version of social relations ‘painted what many regard as a grim and dystopian world of mutual, armed suspicion. To LaPierre and others, it was simply a logical extension of their worldview’ (Waldman 2014, p. x).

#### White people are the ones who want the guns

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The radically individualist interpretative framework in Heller is expressed in two other recent legislative developments requiring institutional changes to accommodate self-defensive subjects: the expansion of concealed- and open-carry laws as well as a significant transformation of the Castle Doctrine. As of 2014, all 50 states allow the concealed-carry of firearms to one degree or another; seven states explicitly allow concealed-carry on college campuses, while 23 states leave the decision up to the institutions.8 Although the tendency is toward a rapid expansion of concealed-carry on campuses, a recent survey demonstrates that a vast majority of students, faculty and staff are opposed to such measures and explicitly indicate that guns on campus do not make them feel safer. The group most likely to support the expansion is white, male conservatives (Patten et al. 2013). This is not surprising, for if everyone felt safer, it would indicate that the practice was not supporting a relation of rule.

#### Stand your ground is sexist

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The Castle Doctrine was to become a widely accepted legal concept in the United States (Levin 2010; Suk 2008). The duty to retreat in public spaces, however, failed to gain consensus. After the US Civil War, justifiable lethal self-defense in public spaces found precedents in state supreme court decisions, and has since been referred to as the ‘true man’ rule after the Erwin v. State (1896) decision, which stated ‘a true man, who is without fault, is not obliged to fly from an assailant, who, by violence or surprise, maliciously seeks to take his life or do him enormously bodily harm’ (Erwin v. State 1896, pp. 199–200). The nineteenth-century ‘true man’ is, therefore, the precursor to the twenty first-century ‘good guy’. In both iterations of the masculine subject, avoiding harm to masculine honor is an equal if not greater priority than defending against harm to one’s physical body. As Joseph H. Beale describes it, ‘No one should be forced by a wrongdoer to the ignominy, dishonor and disgrace of a cowardly retreat’ (Beale 1903, p. 581; see also Suk 2008; Ewing 1990). Protecting masculine honor against cowardice can be given priority over preserving life, which might be possible by retreating. In the same year as Erwin, the Mississippi Supreme Court decision Long v. State (1876) made a similar argument and used the rhetoric of today’s Stand Your Ground laws: ‘Flight is a mode of escaping danger to which a party is not bound to resort, so long as he is in a place where he has a right to be, and is neither engaged in an unlawful enterprise, nor the provoker of, nor the aggressor in, the combat. In such a case he may stand Good Guys with Guns: From Popular Sovereignty to Self-Defensive… 179 123 his ground and resist force by force…’

(Long v. State 1876, p. 35). A year later, in the Indiana Supreme Court case Runyan v. State (1877), Justice Niblack argued that the right of self-defense is ‘founded on the law of nature; and is not, nor can be, superseded by any law of society’, which presumably is what he believed English common law had done. ‘Indeed’, he continued, ‘the tendency of the American mind seems to be very strongly against the enforcement of any rule which requires a person to flee when assailed’ (Runyan v. State 1877, p. 83).

#### Notions of popular sovereignty reify domination – it enables to state to produce extralegal structures that embed violence in society

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The shorthand for this relation in the American political tradition is popular sovereignty, which in its mystified and universalistic formulation is either said to be collective self-rule mediated by state institutions and political representation, or a separation of power, which rests with the people (potestas in populo), from authority (auctoritas), which rests with the legislature (Arendt 1999, pp. 179–214). In both formulations, however, the people are thought to constitute one body, which is equally subject to the law. In practice and from its inception, however, popular sovereignty in the American tradition has meant the state’s juridical production of spaces of rule for one group to dominate another directly through coercion and extra-legal (i.e. non-criminal) violence or indirectly through dependencies produced by property right. This is evident, for example, in a parenthetical remark in Chief Justice John Jay’s opinion in Christholm v. Georgia (1793): at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects (unless the African slaves among us may be so called), and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty. (Christholm v. Georgia 1793, pp. 472–473) Good Guys with Guns: From Popular Sovereignty to Self-Defensive… 181 123 One must, of course, include all women and indigenous Americans among the parenthetical subjects who fall outside the ruler class, or those said to share in sovereignty. It is not, then, merely inequality before the law that undermines the assumption of ‘the people’ as one body, but the [as does] production of relations of domination within it. As Blackstone noted, ‘popular leaders… in all ages have called themselves the people’ (Blackstone 1979 [1769], Bk 4, p. 438).

#### Focusing on individualism rather than class structures abstracts away from social conditions

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While Marx’s description of the rights-centric subject as an ‘isolated monad, withdrawn into himself’ (Marx 1979, p. 42) is appropriate here, focusing on claims of rugged individualism occludes the actual practices of sub-state group rule in the United States. The same is true of the limited individual-versus-state interpretative framework in political liberalism, which relies upon abstractions and overlooks the important function of the law in facilitating extra-legal forms of rule. Indeed, liberal legal concepts reach their end precisely where these relations of rule begin. When auctoritas is equated with something like Weber’s notion of charismatic authority, it is limited to particular individuals who possess it by virtue of their personal qualities, i.e. the charismatic personality of a particular leader such as Augustus. When we conceive of auctoritas as an attribute of the social group (e.g. patriarchs) rather than of personal character, we can then see how the stabilization of group identity is secured by the serial exercise of its dominium or social domination.9 Such rule is predicated on the production of groups of vulnerable and violable subjects. The most prominent forms of this kind of sub-state rule are patriarchy, white supremacy, and class domination. We can think of these as forms of auctoritas or traditional, extra-legal, and moral forms of authority associated with social positions (i.e. one’s relative social standing, prestige, or rank) that grants one group dominium over another. The locus classicus of auctoritas is the private dominium or rule exercised by the Roman pater familias or male head of household, who ruled over his spouse, children, and slaves. In the American tradition this patriarchal rule was augmented by white supremacy and racial dictatorship, which was a form of class domination as well (Genovese 1976, p. 46). After the abolition of slavery, the Black Codes, Jim Crow laws, and the rise of the modern prison—with its disproportionate incarceration of racial minorities—produced new relations of racial domination. The proliferation of immigrant detention centers and the precarious status of resident aliens and undocumented immigrants, relative to citizens, also facilitate the social and legal conditions of rule, exploitation, and identity construction. ‘It must be remembered’, wrote W. E. B. Du Bois, that the white group of laborers, while they received a low wage, were compensated in part by a sort of public and psychological wage. They were given public deference and titles of courtesy because they were white…. The police were drawn from their ranks, and the courts, dependent on their votes, treated them with such leniency as to encourage lawlessness. (Du Bois 1995, pp. 700–701).

#### Focus on the abstract right to self-defense obscures understanding of social conditions

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In my introductory remarks, I stated that self-defensive subjects undermine the social conditions of their own freedom, and are unable to understand the origin and function of abstract rights within an informal normative order. These objective and subjective conditions result from the passionate attachment to, or unmediated identification with, the abstract right of self-defense in particular. It is the right to self-defense and, more specifically, the Constitutional right to bear arms that takes precedence here—rather than, for example, the right to private property—due to the real or perceived withdrawal of state support for the informal relations of rule that reproduce raced and gendered identities. All categories of violent crime have been on the decline in the United States for over 25 years, so crime statistics and legislative agendas are inversely related, raising the question: why are we now experiencing what Suk called an ‘epochal transformation’ in self-defense (and why is it predominantly white men who are promoting it)? What is giving rise to the new techniques and tactics of domination deployed?

#### Right to self-defense is a grasp at white control in a society of declining white surpemacy

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The white demographic in the United States is in decline and projected to lose its majority status in less than 30 years. This tendency, together with gains in social, economic and political power by women and racial minorities in the United States over the past 50 years—personified by the first black president sworn into office in 2008—has contributed to a profound and widespread condition of white anxiety. The state is inevitably reducing the ‘public and psychological wage’ of whiteness about which Du Bois spoke, albeit in fits and starts. This represents the loss of the very foundation of white identity, particularly among poor and working-class whites, and as Wendy Brown notes, ‘aggression is what emerges in the space of unmourned losses’ (Brown 2006, p. 31). Indeed, this is a stubborn, agitated and aggressive form of subjectivity, perpetually suspicious and perceiving threats all around. For this reason, Hegel’s description of the pathologies of legal freedom arising from normative indeterminacy, rather than Honneth’s, is more fitting (Honneth 2000, 2010, 2014). Honneth views the generation of ‘‘diffused moods of depression or a loss of orientation’’ (Honneth 2014, p. 87) as evidence of a social pathology—something similar to E´mile Durkheim’s notion of anomie. The notion of normative indeterminacy is taken from Hegel, who argued that it is only through moral duty, rather than legal right, that one is ‘liberated from that indeterminate subjectivity which does not attain existence [Dasein] or the objective determinacy of action, but remains within itself and has no actuality’ (Hegel 1991, §149, p. 192). That is, our recognition of normative obligations is a reflection of our identification with ethical norms and values we share with others. Such recognition is necessary for freedom— what Hegel calls substantial or affirmative freedom—which cannot be achieved through abstract right alone. The latter is what Marx refers to when describing liberty as the ‘separation of man from man’ (Marx 1979, p. 42). This act of separation is a form of deprivation, an expulsion of the social conditions and informal forms of identification necessary for social cooperation, communication, and conflict resolution.11 In the Phenomenology of Spirit, Hegel describes the pathology of legal freedom not as melancholic, but as antagonistic and engendering rage within a ‘soulless community’ (Hegel 1977, §477, p. 290), constituted by merely negative relationships (Hegel 1977, §482). Rather than being grounded in a number of prereflexively shared norms and values—i.e. having one’s actions and judgments mediated by what Hegel calls ethical substance—the essence of the person is derived from an unmediated identification with abstract right. Such persons are thus ‘unfettered’ by social norms, are self-righteous insofar as they have only absolute certainty of their abstract right, and thereby ‘become elemental beings raging madly against one another in a frenzy of destructive activity. Their impotent selfconsciousness is the defenseless enclosed arena of their tumult’ (Hegel 1977, §481, p. 292). The externalization and formalization of social relations, inhibiting social recognition, renders the self indefensible—the great paradox of self-defensive subjectivity, whose fortifications threaten rather than protect the social conditions of freedom. Subjectively, self-defensive subjects have difficulty shifting out of a strategic and rights-centric attitude toward others. The right to bear arms becomes an imperative to bear arms, for there is no alternative, normative framework from which to adjudicate the need to exercise one’s right. From the merely legal point of view, says Honneth, ‘‘they cannot carry out the kind of reflection or activity required for realizing their life aims’’ (Honneth 2014, p. 85). Social and institutional spaces where firearms are prohibited, so-called ‘gun-free zones’, are condemned as an affront to freedom itself, for no other normative considerations or potentially conflicting rights are taken into consideration. Why one would carry a gun is simply because one has the right to do so—one is able to invoke rights, but not reasons. As a newly minted Constitutional right, this identification of armed self-defense with freedom has produced a wave of legislation facilitating its institutional accommodation, from schools, churches and bars, to parks, government buildings, and playgrounds.

## Michel

#### Gun ownership definitely doesn’t prevent corruption and data backs it up

Michel 13, Casey. Owning Guns Doesn't Preserve Freedom. www.theatlantic.com/international/archive/2013/04/owning-guns-doesnt-preserve-freedom/275287/ April 25, 2013. NP

Of course, it's difficult to imagin**e** that a government as notably militarized as our own would be cowed by the rifle and .45 gathering dust in the closet. (Likewise, it's tough to posit the 110,000 Asian-Americans forced into internment camps during WWII -- "concentration camps," as President Roosevelt termed them -- felt their liberties were buttressed by their ability to own a sawed-off shotgun.) But regardless, that's where the argument stands. That's the rhetoric to which 65 percent of Americans ascribe . "That's what separates this country," noted Brian Mobley, a concealed handgun trainer in League City, which also boasts the highest number of concealed-gun licenses in Texas. "We're the most heavily armed country in the world, but we're also the freest country in the world." Fortunately, we can assess such an argument not through historic hagiography and patriotic revision, but through the facts at hand. If such a right correlates so directly with democratic freedoms within America, such realities should exist elsewhere, correct? Not exactly. Compiling data from the most recent Small Arms Survey (SAS), the most wide-ranging international survey of civilian gun ownership, and the Freedom House Index, which tabulates both political rights and civil liberties, it's apparent that the correlation between democratic structures and a well-armed citizenry is, at best, slight. Here's the Freedom House index, in red (a higher ranking means less freedom), compared with the number of guns, in blue: Gun Rates Revolution Final Chart.png According to Dr. Justin Silver, a statistical researcher at Rice University, the Spearman correlation between the two tallies is only -0.33. (Such correlation is negative because Freedom House, via a one-through-seven scale, tacks a lower score to nations with greater freedoms.) The relationship is observable, but minor. "I don't see any trend," said Arch Puddington, vice president of research at Freedom House. "Press freedom, the freedom of expression, is a pretty good indicator of the direction a country is going in -- if leadership is circumscribing the freedom of expression, the likelihood is that they're doing other unworthy things as well." But a link between an armed citizenry and democratic realities? "That's baloney." Unsurprisingly, those who stake such a relationship often limit the nations they cite. The gun-toting United States (88.8 civilian guns per 100 residents, according to SAS) and Switzerland (45.7) are typically juxtaposed with the relatively gun-free China (4.9) and Cuba (4.8) as sufficient proof that a populace needs to amass arms in order to keep one's government at bay. But regardless of how often the maxim is repeated, such cherry-picking obfuscates the reality that the U.S., Switzerland, China, and Cuba are but a handful of the 175 nations for which we have comprehensive data. Just because these four countries fit within a pro-weaponized argument does not lend it legitimacy. After all, Ghana (0.4) and Indonesia (0.5), both within the bottom 10 of the world's gun-owners, were each tabbed as "Free" by Freedom House, while the heavily-armed Yemen (54.8) and Saudi Arabia (35.0) remain among the most repressive countries in the world. A quick scan through the list continues the point. Chile (10.7) comes in with the same arms rate as Venezuela, but the nations present starkly divergent civil freedoms. Russia (8.9) is slightly more armed than Ireland (8.6). The Netherlands (3.9) is on par, as far as weapons go, with oppressive Turkmenistan (3.8). Israel and Georgia see the same arms rate as Iran and Belarus and yet exist on opposite ends of Freedom House's rank. Some are developed democracies. Some are theocratic or secular autocracies. The number of Bushmasters and Berettas per populace plays a negligible role.

#### Access to guns doesn’t promote democracy or facilitate revolution – higher rates of gun ownership are negatively correlated with democratic movements

Michel 13, Casey. Owning Guns Doesn't Preserve Freedom. www.theatlantic.com/international/archive/2013/04/owning-guns-doesnt-preserve-freedom/275287/ April 25, 2013. NP

"This relationship between gun rates and [democracy] isn't based upon social science - it's based upon philosophy," said Aaron Karp, a political science professor at Old Dominion University and one of the Small Arms Survey's senior consultants. "Part of the reason why people who are advocates of individual gun rights tend to be opposed to social science is that they're not comfortable with it." Still, there are those such as Thiess and Mobley who cite America's revolutionary roots as reason enough to warrant our weaponry. The colonies' muskets and blunderbusses were the only things that tossed King George's yoke. If a widely armed populace isn't necessarily required to maintain democracy, then at least it's a requisite for revolution. The data deflates that argument, too, though. As it is, ten nations among the survey's bottom 26 gun owners -- from Niger and Togo to Fiji and the Central African Republic -- have undergone anti-autocracy movements and governmental shifts within the past decade. But only seven nations within the survey's top eighty most-armed nations, including Iraq, have experienced similar movements since 2003. As for the nation with the lowest civilian arms rate in the world? That honor belongs to Tunisia, which sparked the greatest set of pro-democracy revolutions this century. One nation which helps highlight this continued disconnect is Kyrgyzstan, which the survey pegs at 0.9 arms per 100 civilians, or 153rd on the list. The mountainous Central Asian enclave has experienced a pair of democratic revolutions over the past eight years, with 2005's Tulip Revolution overturning longtime president Askar Akayev and installing Kurmanbek Bakiyev, whose corrupt apparatus was later forced out in 2010. A year after Bakiyev's ouster, Kyrgyzstan hosted the first Central Asian election in which the winner was not predetermined. Moreover, the nation currently maintains the best Central Asian rank within Freedom House's tabulations -- all while seeing one of the lowest rates of armed citizenry in the world. "I never linked personal firearm ownership rates and political change in Kyrgyzstan," said Erica Marat, a Central Asian researcher at Johns Hopkins University. "I doubt personal firearm ownership plays any role in the democratization process. This is clearly a purely American line of thought." As it is, the perceived link between the right to arms and democratic freedoms remains strong -- hence, Manchin-Toomey's recent defeat. "The Second Amendment is liberty's teeth," Thiess says. "The First Amendment has no teeth unless we have ability to fight back against repression. And the only way to prevent repression sometimes means taking up arms." In Texan towns and counties now forcing officials to ignore federal statutes, the reality hangs that the only thing keeping Japanese carriers and American Predators from turning their sights toward our mainland are those few clauses still contained within the Second Amendment - data and social science be damned.

## Bonderman

#### Gun campaigns misrepresent actual difficulties faced by women – the majority of attacks are carried out by someone the woman knows

Bonderman 95, Judith. Armed bv Fear: Self-Defkse Handguns and Women’s Health (Judith Bonderman, JD, MPH Director Advocacy for Victims of Gun Violence Clinic The Catholic University of America Columbus School of Law) Spring 1995. Vol. 5, No. 4 NP

The gun industry’s campaign targets working women and single mothers who think guns will tip the odds in their favor when they are violently attacked by a strange man or an intruder. Ironically, white females, so prominently featured in gun advertisements, are the least likely victims of violence by strangers, and the lowest risk group for firearm deaths. Based on data reported in national crime statistics from 1976 to 1987, the likelihood of a female being killed by a stranger was truly low: four per 1 million person years. l1 The 1992 firearm death rate (homicides, suicides, and unintentional shootings) for white women was 3.6 per 100,000 population, compared with 8.0 per 100,000 for black females, 21.3 per 100,000 for white males, and 63.9 per 100,000 for black ma1es.l Also contrary to the suggestions of the gun advertisements, the greatest threat to the more than 2% million women who experience violence each year comes from within their circle of relatives, acquaintances, and friends, not from strangers. From 1976 to 1987, more than twice as many American - 4 BONDERMAN: HANDGUNS AND WOMEN’S HEALTH WHI Vol. 5, No. 1 Spring 1995 women were shot and killed by their husbands, ex-husbands, or boyfriends as were murdered by strangers’i Similarly, more than two-thirds of all nonfatal crimes of violence (rape, robbery, aggravated assault, and simple assault) against women were committed by spouses, family or acquaintances, according to a Department of Justice analysis of 400,000 interviews of crime victims from 1987 to 1991. The average annual rate of female nonfatal victimizations by intimates, family members, and acquaintances was 14.1 per 1,000, compared with 5.4 per 1,000 for incidents in which the offender was a stranger. Females were more than 10 times more likely than men to be victimized by a spouse, ex-spouse, boyfriend, or girlfriend. Only 5% of all violent victimizations against men were family related.12 Earlier Department of Justice studies of violent crime by strangers and nonstrangers had comparable findings. A 1987 report found that most of the violent crimes by strangers (70%) were committed against males, and most crimes by relatives (77%) were committed against females. This study also found that only 4% of stranger to stranger incidents (male or female) occurred inside the victim’s home, compared with 18% of crimes by acquaintances and 58% of crimes by relatives.i3

#### Availability of guns exacerbates impact of attacks

Bonderman 95, Judith. Armed bv Fear: Self-Defkse Handguns and Women’s Health (Judith Bonderman, JD, MPH Director Advocacy for Victims of Gun Violence Clinic The Catholic University of America Columbus School of Law) Spring 1995. Vol. 5, No. 4 NP

Will the gun kept in the home for self-defense against strangers protect against the much greater threat of domestic violence? Possibly. But women who own firearms will just as likely end up facing a greater danger from their intimate partners. A gun in the home is theoretically accessible to all who live there and can be used against its owner as well as by her. In a 1992 study, Linda Saltzman and colleagues at the Centers for Disease Control and Prevention looked at the risk of death and nonfatal injury during family and intimate assaults and found that firearm-associated family and intimate assaults were 12 times more likely to be fatal than those not associated with firearms.

#### Owning a gun increases the risk of death for a victim of domestic violence

Bonderman 95, Judith. Armed bv Fear: Self-Defkse Handguns and Women’s Health (Judith Bonderman, JD, MPH Director Advocacy for Victims of Gun Violence Clinic The Catholic University of America Columbus School of Law) Spring 1995. Vol. 5, No. 4 NP

Keeping p as wel1.i ns for self-protection may be counterproductive for other reasons Victims of crime are only a portion of the total universe of gun injuries. In 1992, firearms killed 37,776 people in the United States: 17,790 homicides (47%), 18,169 suicides (48%), and 1,409 unintentional shootings (4%).’ An examination of the subset of gun deaths occurring in the home reveals an even higher percentage of suicides. Using 6 years (1978-1983) of medical examiner’s files from the predominantly urban, white population of King County, Wash., Kellermann and Reay analyzed a total of 743 firearmrelated deaths. Fifty-four percent of the deaths (398) occurred in the residence where the gun was kept. Of these, there were 333 cases of suicide (83.7%), 50 homicides (12.6%), 12 unintentional gunshot deaths (3%), and three unknown intent but self-inflicted gunshot wounds. Seven of the homicides were committed in self-defense during a family dispute. Two other homicides were characterized as self-defense against burglars breaking into the home. These two cases were the only ones that involved a stranger.17 The high rate of suicide is particularly troubling in the context of guns WHI Vol. 5, No. 1 Spring 1995 BONDERMAN: HANDGUNS AND WOMEN’S HEALTH 5 r and domestic violence. Spousal abuse and battering has been identified as a major risk factor for suicide attempts: one abused woman in ten attempts suicide, many more than once. is If these women have easy access to a firearm in the home, their suicidal attempts are more likely to be fatali’ Studies comparing the lethality of various suicide methods found death occurred in 92% of suicide attempts with a firearm compared with 11% of cases of a drug overdose,” and the leading method of suicide has changed in the last few decades, from drugs to guns. Finally, having a handgun, loaded and ready for use against intruders, may be recklessly dangerous behavior when there are children in the home. Studies show a marked increase in the risk for suicide among adolescents when guns are available in the home.\*’ And the frequency of headlines such as “Boy, 3, Kills Self with Mom’s Gun”22 is tragic. The National Center for Health Statistics reports that 551 children and teenagers died in unintentional shootings in 1991. Many more children are seriously injured by firearms. A substantial percentage of the guns used in these incidents are found by children in their homes.23 An even larg er number of home security guns end up stashed in the bushes on children’s playgrounds or confiscated from bookbags and lockers by school security guards.

#### We can’t know if guns actually are good for self-defense – it depends on a shit ton of things

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Assuming that the real number is somewhere between the extremes, little data indicate how often or under what circumstances defensive gun use is successful. But common sense tells us that the outcome in any particular case is totally unpredictable and depends on the circumstances of the crime, the intent of the offender, other people present at the scene, the firepower of the opposing weapons, the shooting skill level of the parties, and so on. In the 1993 Kellermann study on homicides in the home, 184 victims (43.8%) at- tempted in some way to resist the crime, and 21 of these (5.0%) attempted unsuccessfully to use a gun in self-defense. The authors found “no evidence of a protective benefit from gun ownership in any subgroup, including one restricted to cases of homicide that followed forced entry into the house.“15

#### Emphasizing women’s need for guns is fear mongering that puts women in greater danger

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This strategy may be brilliant marketing, but it is detrimental to the health and safety of women. By focusing on the demographic group least likely to be victimized by violent crime committed by strangers, the gun industry pays no regard to women’s real safety. By bringing self-defense handguns into their homes, women move themselves and their families into a higher risk category for gun injuries, without any proven countervailing benefit. Only the gun industry wins.

## Hsiao

#### Guns are super good for self-defense

Hsiao 15, Timothy. Against Gun Bans and Restrictive Licensing. Volume 16. Issue 2, Article 3. 7.7.2015. Philosophy & Gun Control. Essays in Philosophy. <https://www.academia.edu/9848468/Against_Gun_Bans_and_Restrictive_Licensing>. NP 12/15/15.

It is a fact that guns provide considerable defensive benefits. Simple armchair reflection reveals that guns are especially suited toward this end. Guns are commonly touted as equalizers that control for physical disparities that are often exploited in violent crimes. It is no wonder that the empirical evidence indicates that guns are frequently used for self-defense. According to a 2013 report by the Institute of Medicine and National Research Council, “[a]lmost all national survey estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million per year, in the context of about 300,000 violent crimes involving firearms in 2008.”iv Perhaps the most famous of these surveys, conducted by Kleck and Gertz (1995), found that guns were used defensively more around 2.5 million times each year in the United States. Even if this number is exaggerated, as critics sometimes allege, it is no exaggeration that there are a large number of defensive gun uses, and that this number is non-trivial.v

#### Having a gun decreases chance of injury

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In addition to the frequency of defensive uses, numerous studies have found that resisting violent crime with a gun is correlated with lower injury rates.vi Indeed, it has been consistently found that forceful resistance with a gun is more effective at fending off violent attack than both resistance with other forceful means and non-resistance. Kleck and Delone (1993) assessed eight different forms of robbery resistance and found that “victim gun use was the resistance strategy most strongly and consistently associated with successful outcomes for robbery victims.” Southwick (2000) found that women who resisted an attack without a gun were four times more likely to be seriously injured than women who resisted with a gun. Men who resisted with a gun were also less likely to be seriously injured than men who either did not resist at all or who resisted without a gun.vii Kleck and Tark (2004: 861) assessed sixteen different forms of victim self-protection and found that “a variety of mostly forceful tactics, including resistance with a gun, appeared to have the strongest effects in reducing the risk of injury.” Guerette and Santana (2010) found that the odds of robbery and rape completion were decreased by 93 and 92 percent when a victim resisted with a gun. It should also be noted that in the vast majority of cases where guns were used defensively, the gun was not fired. According to Kleck (1999: 297), “there are about 7,700 to 18,500 reported legal shootings of criminals a year, which would be less than 1% of all defensive gun uses. The rest of defensive gun uses, then, involve neither killings nor woundings but rather misses, warning shots fired, or guns used to threaten, by pointing them or verbally referring to them. ”L ott (2010) found that in most cases, simply brandishing a gun was sufficient to repel an attack.

#### Right to self-defense means people have a prima facie duty to own guns

Hsiao 15, Timothy. Against Gun Bans and Restrictive Licensing. Volume 16. Issue 2, Article 3. 7.7.2015. Philosophy & Gun Control. Essays in Philosophy. <https://www.academia.edu/9848468/Against_Gun_Bans_and_Restrictive_Licensing>. NP 12/15/15.

Since individuals have a right to self-defense, and since handguns are a reasonable means of self-defense, these considerations suggest at the very least that there is a prima facie right to own a gun for self-defense. There is also an additional argument from liberty: If private ownership of some item does not involve any intrinsic evil, then there is a defeasible presumption in favor of allowing individuals to own said item. Since handgun ownership is not in itself intrinsically evil, there is a defeasible presumption in favor of private ownership of handguns. The burden of proof is on the prohibitionist or restrictionist to justify any proposed gun control measures, a burden that is implicitly accepted by most gun control advocates when they appeal to the harms of gun ownership.

#### An overall gun ban is reckless

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Again, suppose that gun ownership under permissive laws leads to an overall net increase in social harms. The key word here is ‘net.’ Even though guns may lead to more overall social harm, there remain certain persons for whom gun ownership would be effective at stopping or preventing crime. Saying that gun ownership increases overall harm does not tell us who would benefit from gun ownership and who wouldn’t. Since we want a gun policy that maximizes their benefits and minimizes their harms, it would be overreaching and reckless to ban guns for everyone without first attempting to implement a less restrictive solution that preserves their benefits. In other words, the proper response is not to ban guns, but to develop a system restrictive enough so that it minimizes the social harms of guns, but that at the same time is also permissive enough so that it maximizes the benefits provided by guns by allowing only competent persons to own them. We want a system that can reliably keep guns out of the ‘wrong’ hands while allowing the ‘right’ hands to own them. By jumping straight to the most restrictive method without considering other potentially viable solutions that fall short of a ban, Dixon’s utilitarian argument for a handgun ban actually runs counter to utilitarian reasoning. What is needed is an argument that a ban is preferable over other less restrictive solutions, which Dixon does not provide.

#### Banning handguns is bad because it’s not specific enough

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There is also a rights-based argument against an outright ban. This argument proceeds from the claim that prima facie rights should be presumed weighty unless shown to be defeated or overridden. Given that there are many people for whom gun ownership is or would be beneficial, their prima facie right to own a gun is undefeated and ought to be respected by the state. It is a mistake to think that because gun ownership on average leads to more social harms, that therefore each individual instance of gun ownership likewise leads to more social harms and is therefore overridden or defeated. Respecting the undefeated rights of those for whom gun ownership is beneficial is compatible with restricting the rights of those for whom gun ownership is likely to be counterproductive. Thus, a blanket prohibition is prima facie unjust because it is not narrowly tailored to its intended goal. As was the case with the utilitarian argument, the state’s first recourse should be to find a less restrictive way of controlling for the negative effects of firearms instead of jumping straight to a total ban.

#### Making people justify their right to a gun violates their rights

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First, given the scope of our discussion, it is unjust to require prospective gun owners to justify their need to own a gun. If an activity is not otherwise immoral, then the burden of proof is on the opponent of said activity to give a reason in favor of restricting it. Even in cases in which the state has a paternalistic interest in restricting certain risky activities that are not in themselves immoral, those who show themselves to be capable of sufficiently mitigating the associated risk should be allowed to partake in said activities. Since we are assuming that there is a prima facie right to own a gun, it is incumbent upon the state or licensing authority to provide a reason to override the rights of prospective gun owners. Indeed, having a prima facie right to do something means that can one freely pursue some activity without having to justify his reason for doing so. Requiring someone to justify his reasons for exercising a right defeats the very purpose of having said right. For example, requiring someone to justify invoking his 5th Amendment right to not self-incriminate would defeat the purpose of having that right, for in the very act of doing so one makes statements that may be used against him. Rights function as reasons in themselves, such that their possession grants immunity from having to give further justificatory reasons.xvii By putting the burden of proof on all prospective gun owners to justify their need to own a gun, it is assumed that their prima facie right to own a gun is either non-existent or already overridden.

#### Some external authority should have the burden of disproving someone’s right to a gun

Hsiao 15, Timothy. Against Gun Bans and Restrictive Licensing. Volume 16. Issue 2, Article 3. 7.7.2015. Philosophy & Gun Control. Essays in Philosophy. <https://www.academia.edu/9848468/Against_Gun_Bans_and_Restrictive_Licensing>. NP 12/15/15.

This true even if gun ownership is on average counterproductive, for merely pointing out a fact about averages, which DeGrazia does, is not in itself sufficient to justify a system under which the prima facie rights of every prospective gun owner are presumed to be overridden. Rather, it suggests the need for a test of some kind that can reliably and objectively determine who is qualified to own a gun. Any such test must be structured to the benefit of applicants, such that it is the state’s job to find a disqualifying reason.xviii If no reason is found, then an applicant must be allowed to own a gun. This is exactly what a non-discretionary licensing system is supposed to offer. This is not to say that licensing standards cannot be rigorous, only that a just licensing system for handgun ownership must put the burden of proof on the licensing authority.xix The fair and equitable thing to do would be to allow anyone who meets an objective list of rigorous criteria the ability to purchase and own guns instead of requiring that every applicant justify their need.

#### A2 ‘There’s restrictions of freedom now!!’

#### Nah there’s a presumption in favor of freedom

Hsiao 15, Timothy. Against Gun Bans and Restrictive Licensing. Volume 16. Issue 2, Article 3. 7.7.2015. Philosophy & Gun Control. Essays in Philosophy. <https://www.academia.edu/9848468/Against_Gun_Bans_and_Restrictive_Licensing>. NP 12/15/15.

It might be objected that we use restrictive discretionary methods all the time in otherwise uncontroversial contexts. Don’t airport security lines presume that everyone is a potential terrorist (and hence their prima facie right to fly is defeated)? Don’t existing measures requiring background checks on guns purchased from a dealer with a Federal Firearms License presume that everyone is a potential criminal (and hence their prima facie right to buy a gun is defeated)? This is not the case. In both cases the burden of proof is on the regulating entity to find evidence that would disqualify someone from partaking in the relevant activity. Someone who wishes to fly does not have to justify their reason to the state, rather it is the state’s job to find something that would disqualify said individual from flying. If no disqualifying factor is found, then individuals must be allowed to fly or purchase a firearm. There is, in other words, a presumption in favor of liberty that puts the burden of proof on those who wish to restrict others from rightfully partaking in an activity that falls under the scope of a prima facie right.

It is not wrong to impose a test or some other standard in order to prevent certain ineligible individuals from partaking in an activity, so long as the test does not work by treating everyone’s right to partake in that activity as defeated until proven otherwise. While background checks and other pre-screening tests meet this requirement, a need-based test does not.

## Bernstein

#### Emotions about guns have a huge influence on policy!!

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP.

Beliefs about guns are almost invariably formed in response to highly publicised mass shootings and stories about violent gun crimes, and not on the basis of an impartial examination of the relevant criminological evidence. The emotional responses of people to these kinds of events have a significant impact on public policy, usually in the direction of gun control and outright gun bans. Outright bans and strict controls immediately followed the Dunblane and Port Arthur massacres in the United Kingdom and Australia, respectively. The situation in the United States is much more complex (because gun ownership rights are constitutionally protected), but calls for strict gun controls by high-level politicians (which were ultimately unsuccessful) immediately followed the infamous Aurora and Newtown massacres. In this paper, I shall argue that these kinds of immediate (largely emotional) responses are irrational in the light of the evidence. The evidence that the prevalence of gun ownership significantly increases violent crime is very weak. Indeed, the best evidence suggests either that there is a negative effect on crime or no discernible effect whatever. I shall argue that the evidence supports, at the very best for the anti-gun side, agnosticism about the negative criminogenic effects of gun ownership. Given the plausible proposition that there is at least a prima facie moral right (a right that can be outweighed given sufficiently weighty considerations) to keep and bear arms, I argue that agnosticism supports the proposition that there ought to be a legal right to keep and bear arms.

#### Meta-study proves that carrying firearms doesn’t necessarily increase violence, homicide or crime rates

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP.

Let us now consider whether GVA is true. The truth of GVA depends importantly on whether the extant criminological evidence significantly supports the following three hypotheses: Crime-increasing hypothesis (CIH): Gun ownership causes significant increases in rates of violent crime. Homicide-increasing hypothesis (HIH): Gun ownership causes significant increases in rates of homicide. Anti-Carrying hypothesis (ACH): Laws that allow civilians to carry firearms concealed in public significantly increase violent crime rates. After an impartial examination of the relevant evidence, someone knows that the criminogenic harms of gun Essays in Philosophy 16(2) 235 ownership and carrying outweigh the benefits only if she knows that CIH, HIH, and ACH are true, and she knows that they are true only if the evidence supports these hypotheses. Moreover, the evidence supports them in the relevant sense only if they are more probable than not given that evidence. In what follows, I shall argue that the extant criminological evidence very probably does not support CIH, HIH, or ACH in this way. What, then, does the evidence say? It will be helpful to begin with a very recent methodological survey of the relevant evidence. Kleck (2015) reviewed 41 studies that tested CIH and HIH. He identified methodologically superior studies on the basis of the following criteria: 1. A valid measure of gun levels was used. 2. The authors made an attempt to control for more than a handful of possible confounding variables. 3. The authors ‘used suitable causal order procedures to deal with the possibility of crime rates affecting gun rates, instead of the reverse.’

It is very clear that the evidence does not support [the crime inducing hypothesis] CIH. Of the 90 findings generated by the 41 studies reviewed, only 26 (~29%) support CIH, whereas 64 (~71%) found against CIH. None of the findings of studies for which more than one of (1) – (3) are true supported CIH. The same trend holds with respect to HIH. Only 36% of studies for which (1) is true support HIH compared to 62% of studies for which (1) is false. Of the studies for which (3) is false, 57% support HIH; no studies for which (3) is true found in favour of HIH. Of the studies for which (2) is false, that is, of the studies that controlled for fewer than five significant control variables, 59% found in favour of HIH. This drops to just 17% for studies that controlled for more than five significant control variables. Remarkably, 14 of the 41 Gun Violence Agnosticism | Bernstein 236 studies reviewed by Kleck did not control for a single confounder and these were the studies that were most likely to find in favour of CIH and HIH. Importantly, only six studies controlled for more than five statistically significant control variables and all of them failed to support CIH and 83% found against HIH (they found either that there is no discernible effect or a slight crime-decreasing effect). Finally, there were only three studies for which all of (1) – (3) are true and none of them supported CIH or HIH. On the contrary, Kovandzic et al. (2013), who controlled for ten confounding variables, found that increases in noncriminal gun prevalence would moderately decrease both gun and total homicide rates. Of the studies for which all of (1) – (3) are false (23 of the 41 reviewed), 65% found in favour of HIH.ii Kleck concludes: ‘The overall pattern is very clear—the more methodologically adequate research is, the less likely it is to support the more guns-more crime hypothesis.’ Kleck’s conclusion, if correct, strongly supports GVA.

#### Dixon doesn’t know what the FUCK he’s doing

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One implication of the above is that many of the arguments endorsed by anti-gun philosophers fail. Dixon (2011), for example, appeals to Killias (1993), Hemenway and Miller (2000), and Killias et al. (2001) in support of CIH and HIH. But, according to Kleck (2015), these were among the studies that controlled for no significant control variables and did not take into account the causal order problem. In other words, the studies to which Dixon appealed in support of his argument from net harms are among the methodologically worst studies available. The best studies cannot be used to support CIH or HIH in an argument for gun bans.

#### Meta studies fail to find gun policies ghat successfully reduce violent crime or demonstrate causal link between crime and gun ownership

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP

The general conclusion to GVA and against CIH or HIH is supported by two meta-analyses published by the U.S. National Academy of Sciences (NAS) and the Centers for 236 Essays in Philosophy 16(2) Disease Control (CDC). Wellford et al. (2004), on behalf of the NAS, reviewed 253 articles, 99 books, and 43 government publications and ‘failed to identify any gun control that had reduced violent crime, suicide, or gun accidents.’iii Specifically, they could not determine whether associations between gun ownership and homicide demonstrate a causal relationship. Indeed, they concluded that ‘existing research studies and data include a wealth of descriptive information...but...do not credibly demonstrate a causal relationship between the ownership of firearms and the causes or prevention of criminal violence or suicide.’iv Hahn et al. (2003: 18), on behalf of the CDC, also reviewed the then-extant literature and concluded that there was ‘insufficient evidence to determine the effectiveness of any of the firearms laws reviewed for preventing violence.’ Kleck’s (2015) recent review of the literature is an important update and coheres well with these earlier results. Once again, given these findings, GVA is very plausible.

#### Carrying guns doesn’t increase violence – metastudies prove it decreases

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP

What does the evidence say about ACH? So-called ‘shall- issue laws’ allow apparently law-abiding civilians to carry guns concealed in public. One might object by arguing that allowing people to carry firearms significantly harms society, perhaps by increasing violent crime. Presumably the idea is that permit holders are prone to commit violent crimes, particularly with their guns. This is far from obvious. The state with the greatest number of permit holders is Florida (1.2 million, or about 8.2% of the state’s population). From 1987 to 2014, Florida issued permits to more than 2.6 million people, but only ‘168 (about 0.006%)...have had their permits revoked for any type of firearms related violation, the most common being accidentally carrying a concealed handgun into a gun-free zone such as a school or an airport, not threats or acts of violence...For all revocations, the annual rate...is 0.012%.’v 237 Gun Violence Agnosticism | Bernstein By comparison, the annual rate of firearms violations by police (from 1 Jan 2005 to 31 Dec 2007) in Florida was 0.007%, higher than the rate for permit holders.vi Moreover, far from supporting ACH, the evidence seems to support the hypothesis that these laws reduce violent crime. Of the peer-reviewed studies, 20 found in favour of the crime-reduction hypothesisvii and 11 found no discernible effect. No peer-reviewed study published in an academic journal has hitherto supported ACH.viii

#### When gun ownership increased, crime decreased

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP

Interestingly, the number of people with concealed handgun permits has increased significantly in the last few years. In 2011, at least 8 million people had permits, an increase from 4.6 million in 2007. This increased to well over 11 million people as of June 2014 (this is just over 4.5% of the total population).ix If it were true that shall- issue laws contributed significantly to violent crime, we would expect significant increases in violent crime to follow significant increases in the number of permit holders and gun carriers. In fact, the opposite is the case: Between 2007 and the preliminary estimates for 2013, murder rates have fallen from 5.6 to 4.4 per 100,000—a 22 percent drop in the murder rate at the same time that the percentage of the adult population with permits soared by 130 percent. Overall violent crime also fell by the same percentage, 22 percent, over that period of time. Using this new state level permit data from 2007 on, our analysis suggests that each one percentage point increase in the percent of the adult population holding permits is roughly associated with a 1.4 percent drop in the murder rate.x

At the very best for the anti-gun side, the evidence supports the middle ground on which these laws do not contribute 238 Essays in Philosophy 16(2) significantly to rates of violent crime one way or the other. At worst, the evidence supports the hypothesis that these laws reduce violent crime. There is no evidence from the academic, peer-reviewed literature to suppose that ACH is the case. If the crime-reduction hypothesis is correct, the best explanation is that criminals are deterred from committing crimes in areas where there is a reasonable chance that potential victims will be armed. Because these handguns are carried concealed, criminals are not able to know in advance which of their victims will be unarmed. The risk to criminals in these areas is, therefore, far greater than in areas where gun carrying by civilians is prohibited.

#### We have a prima facie right to keep and bear arms

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP

What is the significance of GVA’s being true? I claim that GVA, in conjunction with the proposition that we have a prima facie right to keep and bear arms, implies that there ought to be a legal right to keep and bear arms and that, therefore, a gun ban would be unjust. Before we see why, let us first examine the reasons we have to suppose that such a right exists. Most philosophers argue for the right to keep and bear arms from the right of self-defence.xi Elsewhere, I, with colleagues, have argued as follows: If x (where x is an artifact or tool) is a reasonable means of individual self- defence, then people have a prima facie right to be allowed to own x. Firearms are a reasonable means of individual self- defence. Hence, people have a prima facie right to be allowed to own firearms.xii By a ‘reasonable means of individual self-defense,’ I mean a means of self-defense that is able to effectively and reliably deliver a proportionate amount of force and is able to discriminate between an aggressor and innocent bystander (unlike, say, nuclear weapons).xiii There is a good amount of empirical evidence that guns qualify as reasonable in this sense. Using data from the U.S. Department of Justice’s National Crime Victimization Survey, Kleck (2001: 289) found that using a gun defensively is very effective at reducing a victim’s risk of injury in assaults. After assault victims took self- protection action with a gun, only 3.6 per cent were injured, compared to 12.6 per cent of victims who screamed, 15.2 per cent of victims who tried to reason with the offender, 8.6 per cent of victims who attacked the offender without a weapon, 5.4 per cent of victims who attempted to flee, and 55.2 per cent of victims who took no self-protection actions whatever. In the vast majority of these cases, victims did not actually fire the gun; they merely had to brandish the weapon in order to break off an attack.xiv

#### People have a prima facie right to gun ownership

Bernstein 15, C'Zar (7-7-2015) "Gun Violence Agnosticism," Essays in Philosophy: Vol. 16: Iss. 2, Article 6. http://dx.doi.org/10.7710/ 1526-0569.1534 NP

But we do not need to argue from self-defence to get to this conclusion. Liberty considerations will get us to it, for we may argue as follows. People have a right to be allowed to own x if owning x is not intrinsically immoral and there are no overriding contingent reasons for prohibiting the owning of x. That is, there is a defeasible presumption in favour of liberty. But ownership of guns is not intrinsically immoral. There are clearly situations in which gun ownership is not wrong. Consider cases in which one’s government is extremely repressive or in which one’s country is occupied by a foreign and brutal invader. It is very implausible to suppose that armed resistance of this kind of oppression is wrong (think about resistance fighters during the Second World War). Or consider cases in which one’s government has completely failed to fight violent crime such that there is a significant probability that one’s life will be threatened. Defence of the citizenry falls under the police powers of the state. It is plausible to suppose that when the state is unable to fulfill its obligations the power falls back into the hands of the citizenry. Would we say of someone who has decided to obtain a gun in order to protect his family when his government has failed to do so that he has acted wrongly? Surely not. If this is right, then ownership of firearms is not intrinsically immoral. Consequently, people have a right to be allowed to own a gun if there are not overriding contingent reasons for prohibition. This just is a prima face right to be allowed to own a gun.xv

## Kahan & Braman

Academics should figure out what kind of gun control works best

Kahan and Braman 3. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

Perhaps empirical social science has failed to quiet public dis- agreement over gun control because empirical social scientistshave not yetreached theirown consensus on what the consequences of gun controlreallyare. Ifso,thentherightcourseforacademicswhowant to make a positive contributionto resolvingthe gun control debate would be to staythe course-to continue devotingtheirenergy,time, and creativityto the project of quantifyingthe impact of various gun control measures.

The gun debate’s about values

Kahan and Braman 3. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

But another possibilityis that by focusing on consequences narrowlyconceived, empirical social scientistsjust aren't addressingwhat members of the public reallycare about. Guns, historiansand soci- ologists tell us, are not just "weapons, [or] pieces of sportingequip- ment"; theyare also symbols"positivelyor negativelyassociated with Daniel Boone, theCivilWar,theelementallifestylesEof]thefrontier, war in general, crime,masculinityin the abstract,adventure,civicre- or [and] slaveryorfreedom."7Itstandsto sponsibility irresponsibility, reason, then, that how an individual feels about gun control will de- pend a lot on the social meanings thatshe thinksguns and gun con- trol express, and not just on the consequences she believes theyim- pose.8 As one southern Democratic senator recentlyput it, the gun debateis"aboutvalues"-"about whoyouareandwhoyouaren't."9Or in the even more pithyformulationof another group of politically minded commentators,"It's the Culture,Stupid!"'10

#### Gun debate should be about values

Kahan and Braman 3. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

This view,if correct,has importantpractical implicationsfor the gun debate. If individuals adopt one position or another because of what guns mean rather than what guns do, then empirical data are unlikelyto have much effecton the gun debate. Instead of continu- ing to focus on the consequences of various typesof regulation,aca- demics and others who want to help resolve the gun controversy should dedicate themselvesto identifyingwithas much precision as possible the culturalvisionsthatanimate thisdispute,and to formulat- ing appropriate strategiesforenabling those visionsto be expressively reconciled in law.

Kahan and Braman 3. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

The cultural theoryof risk,associated most famouslywith the work of Mary Douglas and Aaron Wildavsky,'5systematizesthe rela- tionshipbetweenriskevaluation,social norms,and politicalconflict. That theorysees attitudestowardriskas derivativeof social norms. Ir- respectiveof what theybelieve about the actuarial magnitudes of vari- ous risks,individualsroutinelychoose to accept some and avoid others because theybelieve it would be dishonorabloer cowardlyor selfish or base to do otherwise.l6 To the extent that individuals self-consciously relyon these norm-pervadedevaluations,theirattitudestowardrisk can be said to be morallyderivativoef social norms.

Gun control debate is about risk

Kahan and Braman 3. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

The gun controldebate is naturallyframedas one involvingcom- peting perceptions of risk. Control advocates emphasize the riskthat insufficientregulation will make citizens vulnerable to deliberate or accidental shootings, while opponents stress the risk that excessive regulationwillleave citizensunable to defend themselvesagainstvio- lent predation. The culturaltheoryof risksuggeststhatan individual will select one or the other of these risksfor attentiondepending on how society's response to that risk coheres with that individual's worldview.

#### Guns are a symbol of authority and state power

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The inference thatcultureis at workalso gains supportfromhis- torical, ethnographic, and even journalistic accounts of the signifi- cance ofgunsinAmericansociety.Theirprominent(and inmanyre- spects fabled)34role in American historyhas imbued guns with a multiplicityof social meanings.35 Used to wrestnational independ- enceandtotamethewesternfrontierg,unsarethoughttoresonateas symbols of "honor," "courage," "chivalry,"and "individual self- sufficienc"y36, These same associations also make gun possession an evocativetokenofmasculinity;thecustomofawardingan adolescent boy his "firstgun" has been characterized as "the bar mitzvahof the ruralWASP,"37a"veritablerite[] ofpassage thatcertifie[s] [his] arrival at manhood."38 As the tools of the trade forboth the militaryand the police, guns are also emblems of stateauthorityi,ncreasingthe appeal of owning them to individualswho hold harshlycondemnatoryatti- tudes towardsocial nonconformistsand law breakers.3

#### Guns are a symbol of racism

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

But inverting these meanings, other individuals find guns repugnant. Just as they signify traditionally masculine virtues to some citizens, so too guns signify patriarchy and homophobia to others. While some see the decision to own a gun as expressing an attitude of self- reliance, others see it as expressing distrust of and indifference toward others: "Every handgun owned in America is an implicit declaration of war on one's neighbor."4' For those who fear guns, the historical reference points are not the American Revolution or the settling of the frontier, but the post-bellum period, in which the privilege of owning guns in the South was reserved to whites, and the 1960s,when gun-wielding assassins killed Medgar Evans, John and Robert Kennedy, and Martin Luther King, Jr. To these citizens, guns are emblems not of legitimate state authority, but of racism and reaction.

#### Individualistic individuals are more likely to oppose gun control, while egalitarian individuals are more likely to support it

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

Indeed, among individualsof divergentorientations,the contrast in attitudestowardgun controlwas stark. Thus, individualswho were relativelyhierarchical in their outlooks were nearly twice as likelyto oppose gun control as those who were relativelyegalitarian,and indi- vidualswhowererelativelyindividualisticwereoverfourtimesas likely tooppose guncontrolasindividualswhowererelativelysolidaristic.

#### Crime rates don’t correlate with shifts in views about gun control

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

What must one assume about how individuals decide to support or oppose gun control in order for the widespread reliance on em- pirical data to make sense? One possibilityis thatindividualsbehave like rational utilitymaximizers,weighingthe expected benefitof fire- arms as instrumentsof self-defenseagainst the expected cost of them as sources of lethal accidents or (undesired) aggression. If thiswere so, however,one would expect variationin violent crime-and hence variation in the likelihood that guns will be used for violent pur- poses-to explain a substantialamount of the variationin attitudes toward gun control. In fact,numerous studies have found that nei- ther actual crime rates,perceived crime rates,prior victimization,nor fearofvictimizationstronglycorrelateswithpublic opinion toward gun control.6

But this hypothesis, too, seems relatively weak. To begin, existing research suggests that dramatic and highly publicized instances of gun violence, such as the Columbine High School massacre, do not in fact affect public opinion on gun control. In addition, like the more straight forward "rational weighing"hypothesis, the "availability" hypothesis begs an important question: why do individuals more readily recall either offensive or defensive (or perhaps thwarted defensive) uses o fguns? Stories of both sortsabound.69 Perhaps individuals who support gun control more readily recall instances of violent predation, and those who oppose it recall instances of heroic self-defense(or in- stances of self-defense tragically thwarted by gun control regulation)-but something independent of, and prior to, the stories themselves has to explain why one or the other is more "available" to particular individuals.

#### Reasons people say they support or are against gun control don’t cohere with whether evidence supports their views

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

This component of the cultural theory of risk explains additional features of public opinion that evade the "rational weigher" and "availability" hypotheses. A substantial percentage of people who say theyfavorgun control to reduce crime, for example, also apparently accept the proposition that strictergun control laws would not sub- stantiallyreduce crime.7' Likewise,those who oppose gun control ap- pear no more likelythan those who support it to believe thatgun con- trolinterfereswiththeuse offirearmsforlawfulself-defense.72These findingsmake sense onlyifwe assume thatmanyindividuals' attitudes towardgun controlare not based solelyon theirbeliefsabout the im- pact ofgun controlon public safety.

#### Consequentialism doesn’t influence the gun debate and just can’t resolve it

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

Insofaras individualattitudestowardgun controlfitthe psycho- logical profileassociated withthe culturaltheoryof risk,thereis little prospect of consequentialistargumentsresolvingthe gun debate. In- dividuals will simply conform-and if that is not feasible, subordi- nate-their perceptionsofwhatgunsdototheirculturallygrounded understandingsofwhatguns mean. In thisrespect,empiricalgun con- trol studies will prove as inert as empirical death penalty studies, which individuals have been shown to credit or not, depending on whether such studies conform to the positions individuals hold on symbolicgrounds.7

#### Focusing on social meaning of gun control is the only way to resolve the debate

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

The inadequacy of this approach to risk regulation, however, is well known and, by this point, largely accepted even by experts.79As the cultural theory of risk underscores, conflicting assessments of environmental and technological hazards are not primarily(or even largely) a consequence of imperfect information or cognitive defects but rather a reflection of the diverse social meanings that ordinary citizens attach to such dangers.80 Egalitarians, solidarists, individualists, and hierarchists, then, aren't really arguing about what empirical data to trust; they are attempting to push certain risks to the center of the perceptual stage and to banish others to the wings because risk regula- tion is pregnant with visions of the good society. Expected-utility analysis cannot tell us whose vision-the egalitarian's, the solidarist's, the individualist's, or the hierarchist's-is better. "Instead of being distracted by dubious calculations, we should focus our analysis... on what is wrong with the state of society."82We must attend openly to the question of what "kind of society... we prefer to live in."83

These same conclusions apply to the gun debate. Once the contribution of cultural orientations is exposed, it becomes clear that those involved in the gun control debate aren't really arguing about whose perception of risk is more grounded in empirical reality; they are arguing about what it would say about our shared values to credit one or the other side's fears through law. For the individualist and hierarchist opponents of gun control, it would be a cowardly and dishonorable concession to our own physical weaknesses for us to disarm all private citizens in the interest of public safety. For the proponent of gun control, it would send an unacceptable message of mutual distrust in each other's intentions, of collective indifference to each other's welfare, and of the legitimacy of traditional status differentiations to rely on each citizen's decision to arm herself as a means of keeping the civil peace. Just as it would be obtuse to attempt to regulate environmental and technological risks without regard to what accepting various risks means, so it is obtuse to think that the competing risks associated with gun control can be evaluated without taking account of what citizens think running those risks conveys about society's values. The only philosophically cogent way to resolve the gun control controversy is to address explicitly, through democratic deliberations, the question of what stance the law should take toward the competing cultural visions that animate the gun control debate.

#### We can’t divorce the gun debate from cultural theories of risk

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

As the cultural theoryof riskitselfillustrates, what individuals accept as truth cannot be divorced from the values and practices that define their cultural identities. Our knowledge of all manners of fact-that men landed on the moon in 1969; thatAndrewWiles solved Fermat's Last Theorem; that the paternity of a baby can be deter- mined from a DNA test-derives not from first hand observation, but from what we are told by those whose authority we trust. Whom we regard as worthy of such trust(religious leaders or scientistsat major research universities;Rush Limbaugh or the editors of The New York Times)is governed by norms that we've been socialized to accept. For thisreason, factual disagreement often signalslatentpolitical and cultural conflict. If you insistthat I am wrong to believe that the Holo- caust took place, or thatGod created the world,you obviouslyaren't reportingthatyoursensoryexperience differsfrommine; you are tell- ing me thatyou rejecthe authorityof institutionsand persons I natu- rallyand unquestionably respect. And for that reason, I mightwell decidenotmerelythatyouaremisinformedb,utthatyouareevil.9:

#### Empirics can’t resolve conflict about the gun control debate

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

Because the facts that individuals accept about gun control bear exactlythisrelationshipwiththeirculturalidentities,thereis littlerea- son to thinkthatrecourse to empiricscan shield us from the conflict generated byclashingworldviews. Indeed, it seems quite obvious that it hasn't. The mainstreamempirical debate turnsout to be no less vi- tuperativethan the open cultural warfare being engaged in at the fringes. While predictablyfailingto change anyone's mind, empirical analyses do reinforcethe convictionof those who already accept their conclusions that a rational and just assessment of the facts mustsup- porttheirposition. The disagreementis,then,no longerseen as a re- flectionof differingvisionsof the good society,but an ethical battle over acceptance of an indisputable, objective truth. Instead of chal- lenging one another's worldviews,those who continue the debate simplychallenge one another's honestyand integrity2.

At the same time,consequentialism as a liberal discourse strategy does not even succeed in vanquishingopen culturalconflict. On the contrary,ittendsonlytodeepen theacrimoniousqualityofit. Most Americans are not cultural imperialists,but as the gun debate starkly illustrates,at least some are. For them,the liberal norm againstpublic moralizing lacks any constrainingforce. By speaking in the muted tones of public safetyin a (vain) efforto avoid givingoffense,moder- ate commentators,politicians,and citizenscede the rhetoricalstage to these expressive zealots, who happily seize on the gun debate as an opportunity to deride theirculturaladversariesand stigmatizethemas deviants.

#### Empirical debates are a waste of time – you’re preaching to the choir

Kahan and Braman 3 summarizes. Dan M. Kahan and Donald Braman . More Statistics, Less Persuasion: A Cultural Theory of Gun-Risk Perceptions . University of Pennsylvania Law Review, Vol. 151, No. 4 (Apr., 2003), pp. 1291-1327. NP

The second claim was normative: those interestedin resolvingthe gun debate should turn their attention away from quantifyingthe consequences of gun control. Because individuals' positions are de- rivativeof theirculturalorientations,consequentialistargumentscan- notsettlethedisputebetweenthosewhofavorcontroland thosewho oppose it. The social normsthatconstructindividuals'culturalworld- viewsact as a cognitivefilter,causing them to credit certain risksand supporting evidence and to dismiss others. As a result, those who generate empiricaldata on gun controlwillalwaysbe preaching to the choir.

## DeGrazia

#### There’s barely regulation of guns

DeGrazia 14, David. *The Case for Moderate Gun Control.* Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 © 2014 by The Johns Hopkins University Press. NP

Currently, federal gun regulations in this country are extremely minimal. Adults who lack any specific disqualifying criminal or psychiatric history can easily purchase firearms. The Brady Handgun Violence Prevention Act6 mandates background checks of gun buyers, but only if the seller is a licensed dealer; private sales, including those at gun shows and those conducted online, are exempt. Remarkably, records of background checks cannot be preserved because the Firearm Owners Protection Act7 prohib- its the creation of a national registry of gun ownership. This legislation also limited the Bureau of Alcohol, Tobacco, and Firearms (ATF) from inspecting gun dealers more than once a year and raised the standard of proof needed to revoke their licenses. An amendment to a 2003 spend- ing bill prohibits law enforcement from publicly releasing data showing where criminals purchased their firearms. As for the carrying of guns in public, the only federal legislation is the Gun-Free School Zones Act8. Meanwhile, 49 states permit the carrying of firearms and over 30 permit carrying without a license. And since the expiration of the Federal As- sault Weapons Ban9 in 2004, guns that are legally available to the public include not only long guns and handguns but assault weapons as well;10 also available, in addition to ordinary ammunition, are high-capacity clips. It is worth recalling that the two deadliest rampages of 2012 featured as- sault weapons and high-capacity ammunition.

#### A counterplan

DeGrazia 14, David. *The Case for Moderate Gun Control.* Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 © 2014 by The Johns Hopkins University Press. NP

I will defend considerably more gun control than currently exists. The term “gun control,” as I understand it, refers to laws and policies designed to restrict the manufacture, sale, purchase, possession, storage, transfer, or use of firearms and/or associated ammunition. For convenience, I will consider various gun control measures, defined in this way, along with related political measures. In particular, I will defend the following as additions to the minimal regulations that constitute the legal status quo: (1) universal background checks; (2) a ban on assault weapons and high-capacity magazine clips; (3) the requirement of a license for all new gun owners, contingent upon passing a rigorous safety course; (4) safe storage requirements and required safety features on all guns; (5) tracing mechanisms on all guns and a national database of gun sales and gun own- ers; (6) “de-crippling” of the Bureau of Alcohol, Tobacco, and Firearms (ATF); and (7) restoration of funding to the Centers for Disease Control and Prevention (CDC) to study the relationships among gun ownership, specific gun regulations, and gun violence. Although it will clearly stretch the meaning of “gun control” to include (6) and (7) under the rubric of this term, for the purposes of this paper it will be convenient to do so.

#### Right to handguns isn’t an innate right, it’s derived

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This reasoning errs both in asserting that the right to gun ownership is a basic moral right and, more importantly, in asserting that this right is violated by moderate regulations. First, the moral right to gun ownership is not basic. The concept of a basic right has been analyzed in various ways (see, e.g., Gewirth 1978, Shue 1996, and Griffin 2008), so it is difficult to avoid begging some questions in advancing a definition. Nevertheless, we may understand basic moral rights as moral rights that (1) protect highly general interests that are vital to the prospects for living a decent life and (2) are not specifications or instances of more general rights. An example of a basic right, which will be important to our discussion, is the right to physical security. A derived right, by contrast, is a right that is derived— conceptually, empirically, or both—from one or more basic rights. The right not to be assaulted can be derived from the right to physical security; the former is one aspect of the latter. The moral right to gun ownership is not basic because it is false that owning guns, in and of itself, is necessary for the prospect of a decent life. For one thing, many people who have decent lives do not have guns (or family members who do). In addition, whatever value guns have must primarily concern their function—what they can do (LaFollette 2000, 265–66). If guns didn’t protect anyone from assault and didn’t work for hunting, they wouldn’t have their pres- ent value. This suggests that gun rights must be (1) derivative from more general rights and (2) contingent upon their serving certain purposes. In societies in which guns do not serve such purposes related to any basic rights, there is no moral right to gun ownership. But, once again, we have assumed that there is such a right in the US today.

Suppose we granted (incorrectly) that this assumed right is a basic moral right. It would not follow that it must be free of moderate limits or regulations. The right to freedom of movement—a plausible candidate for a basic moral right—does not permit me to walk onto private property or into another person’s body without her permission. These are significant limits on my right to free movement. Even basic rights may be subject to significant restrictions.

#### Suicide often isn’t autonomous – it’s pressured

DeGrazia 14, David. *The Case for Moderate Gun Control.* Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 © 2014 by The Johns Hopkins University Press. NP

First, even if we acknowledge a right to commit suicide, from any reasonable perspective the vast majority of suicides must be regarded as tragic. It is not very often that we carefully reflect upon the circumstances of someone who committed a suicide and think, “Yes, suicide was the very best option for that individual.” Sometimes we may, but not very often—especially when the victim of suicide is a child, a mentally ill person, or someone who acts impulsively. Often those who commit suicide are unaware of, or are momentarily unable to appreciate, the prospects for their lives going better. In a very real sense, then, many people who feel a desire to commit suicide do need protection against themselves.

#### Limitations of suicide are fine and we don’t need guns for it

DeGrazia 14, David. *The Case for Moderate Gun Control.* Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 © 2014 by The Johns Hopkins University Press. NP

Relatedly, if there is a right to commit suicide, it is plausibly limited to suicidal choices that are genuinely autonomous—choices, that is, that are carried out voluntarily (not primarily driven by external pressures or internal compulsions) with an adequate understanding of one’s realistic options (including those involving available forms of help), and with the psychological capacity to appreciate those options (as opposed to devaluing them due to the distorting effects of depression). An autonomous choice will accord with one’s values and stable preferences. Some suicides commit- ted with the help of a physician meet these criteria; no doubt some suicides committed without such help do as well. But, of course, one doesn’t need a gun to commit suicide autonomously. And the presence of guns makes it more likely that one will kill oneself impulsively and non-autonomously. Thus, a right to commit suicide, plausibly construed, will not undermine the thesis that gun ownership for the purpose of self-defense is, on aver- age, self-defeating.

#### People are more likely to die in regions with high gun ownership

DeGrazia 14, David. *The Case for Moderate Gun Control.* Kennedy Institute of Ethics Journal Vol. 24, No. 1, 1–25 © 2014 by The Johns Hopkins University Press. NP

As for domestic comparisons, a literature review found that in American cities, states, and regions (as well as across high-income nations), where there are more guns, people are at higher risk for homicide (Hepburn and Hemenway 2004). Another study, comparing state firearm levels and controlling for poverty, urbanization, and region, found that children and adults, men and women, and members of all racial groups are significantly more likely to die from unintentional gun deaths if they live in states with higher levels of gun ownership (Miller, Azrael, and Hemenway 2001). Focusing on children, a third study concluded that a disproportionately large number of five- to fourteen-year-olds died from homicides, uninten- tional firearm deaths, and suicides in regions and states where guns were more prevalent (Miller, Azrael, and Hemenway 2002a). The basic picture of more guns in a part of the US correlate with more homicides has been confirmed in many studies (Miller, Azrael, and Hemenway 2002b, 2007; Violence Policy Center 2013).

## Nuckols

Nuckols 13, Mark. Why the 'Citizen Militia' Theory Is the Worst Pro-Gun Argument Ever. January 31st, 2013. www.theatlantic.com/national/archive/2013/01/why-the-citizen-militia-theory-is-the-worst-pro-gun-argument-ever/272734/ NP

If America experienced a widespread political uprising today, it would bear little resemblance to Lexington and Concord in 1775, with well-disciplined minutemen assembling on the town square to defend liberty against the redcoats. It would more likely be a larger scale reenactment of the "Bleeding Kansas" revolt of 1854 to 1861, when small bands of armed zealots unleashed an orgy of inter-communal violence, unbounded by any laws of war or human decency. There is, we all know, a Second Amendment right to gun ownership. Under our constitutional form of government, the Supreme Court has the authority to decide what the Constitution means, and after decades of judicial ambiguity, in District of Columbia v. Heller a majority of the justices found an individual right to gun ownership, unrelated to membership in a state militia. But the Heller decision also makes it clear that this is not an unlimited right, and that it may be subject to extensive government regulation. A citizen uprising today would probably not involve like-minded constitutionalists taking up arms to defend democracy and liberty. However, in recent years, the belief in widespread gun ownership as a defense against tyrannical government has become an alluring idea, gaining traction with members of Congress as well as fringe conspiracy theorists. As Senator Tom Coburn of Oklahoma put it just last week, "The Second Amendment wasn't written so you can go hunting, it was to create a force to balance a tyrannical force here." And if this is insufficiently incendiary, one only need look to the doctrine of the "Three Percenters," with its ominous warning that "all politics in this country now is just dress rehearsal for civil war." It is easy to ridicule such rhetoric as just overindulgence in Red Dawn fantasies about resourceful and brave citizens resisting a modern army with nothing more than small arms and their wits. Even individual Americans armed with military-style assault rifles could hardly pose any serious resistance to any future tyrannical central government supported by overwhelmingly powerful military capabilities. But many otherwise sensible people seem willing to concede that gun ownership could one day play some role in preserving democracy. Just this month, a Rasmussen poll reported that 65 percent of Americans see gun rights as a protection against tyranny. There are two primary pillars to this shaky intellectual edifice. The first is a cottage industry of academics and lawyers who have scoured ancient political tracts and common law to establish that in the distant English past that there was a constitutional right to bear arms as a defense against tyranny. Supreme Court Justice Antonin Scalia has given some credence to this view: In his majority opinion for Heller, he asserted that "the Stuart Kings Charles II and James II succeeded in using select militias loyal to them to suppress political dissidents, in part by disarming their opponents." This line of reasoning ignores the fact that, in 21st century America, the prospect of monarchs and their select militias oppressing the populace is reasonably remote. It also ignores the fact that the common law evolves and is subordinate to acts of the legislature. Other nations built on English common law have all enacted strict regulation of gun ownership, with no perceptible diminution of political liberties. The second pillar has fewer scholarly pretensions, but it employs even more historically dubious arguments. It suggests, for example, that the Holocaust could have been avoided if Germany's miniscule Jewish population had been better armed. It also argues that Ukrainian peasants could have defeated the Stalinist regime, backed by the NKVD and the Red Army, if they had possessed individual firearms. But these counterfactual interpretations of history are wildly speculative -- and downright implausible. To understand how misguided these kinds of arguments truly are, it's best to begin where their adherents generally do: the Battle of Lexington and Concord. Any comparison between the American revolutionaries and today's would-be freedom fighters is seriously flawed. Eighteenth century colonial society was dramatically less organized than 21st century America. The Minutemen and other colonial militias were formed by farmers and tradesmen who possessed individual firearms. But they were organized into disciplined companies under the authority of the Massachusetts Provisional Congress, the successor to a legally established provincial assembly. Even though the British had abrogated its charter, the structure of the assembly still remained. In other words, when these militias assembled in Lexington and Concord to resist British troops, they were subject to formal lines of command and control under a legitimate authority, and they had the broad support of their political communities. Colonial Massachusetts also enjoyed a degree of social cohesion and agreement on basic political principles far greater than we have in 21st century America. Despite the colonial victory at Concord, the Minutemen and other local militias played a minor role in the eventual American defeat of King George III. The decisive factors in America's War of Independence were the battlefield victories of organized colonial armies acting under the authority of the Continental Congress and state-organized militias. The financial and military support of America's European allies also played a crucial role. Guerrilla warfare waged by small bands of partisans was not militarily important to America's defense of its liberty. One possible exception was the partisan warfare against the British and their Tory allies in South and North Carolina. However, in the Southern theater, guerilla bands were often more dedicated to plunder and inflicting harm on their domestic enemies than fighting in conventional battles. "Bloody Kansas" provides a valuable historical contrast. In 1854, Congress decided to overturn the Missouri Compromise and allow the territory of Kansas to decide by referendum whether it would enter the Union as a slave or a free state. New England abolitionists sponsored more than a thousand armed settlers, armed with weapons they called "Beecher's Bibles," to move to Kansas to support the "free state" movement. Thousands more free-state supporters moved from throughout the Midwest. At the same time, several thousand armed pro-slavery settlers also moved into the territory. Very soon the contending factions had organized their own pro- and anti-slavery militias -- "Border Ruffians" and "Jayhawks." Both factions sought arms and munitions from out-of-state supporters. The result was widespread intimidation and terror as guerrillas plundered homesteads, sacked towns, and staged ambushes that led to robbery and murder. After various minor skirmishes, in 1856 a group of the pro-slavery Border Ruffians assaulted the free-state stronghold of Lawrence. They burned the Free State Hotel to the ground, destroyed two anti-slavery newspapers, and ransacked the town. In retaliation, the infamous abolitionist John Brown led an attack on a a pro-slavery settlement called Osawatomie Creek. There, his men seized seven settlers and proceeded to hack five of them to death with broadswords. This act of wanton violence was followed by more inter-communal violence, skirmishes, and battles -- all of them committed by poorly disciplined armed bands that answered to no one. The last outrage before the Civil War was the "Marais de Cygnes massacre" of 1858, where a band of Border Ruffians murdered five unarmed Free-Staters in cold blood. In a sparsely populated territory with a scant 8000 inhabitants , 56 people were murdered or killed in combat between armed gangs operating beyond the bounds of the law. And the sectional passions unleashed by this low-grade but lethal conflict contributed directly to the outbreak of the far deadlier Civil War. Just for a rough comparison, that would be equal to over 2 million fatalities if similar violence erupted in America today.

Sectional groups protecting rights leads to bloodshed and sectional divisions, not effective change

Nuckols 13, Mark. Why the 'Citizen Militia' Theory Is the Worst Pro-Gun Argument Ever. January 31st, 2013. www.theatlantic.com/national/archive/2013/01/why-the-citizen-militia-theory-is-the-worst-pro-gun-argument-ever/272734/ NP

The history of the postbellum South offers another cautionary story of unregulated and extra-legal political violence. The founders of the Ku Klux Klan purported to be defending the rights of the white community against the tyranny of illegitimate Reconstruction governments, black enfranchisement, and federal military occupation. And for several years, the Klan used this rationale to carry out a gruesome campaign of systematic violence, murder, and political intimidation. War, particularly civil war, is by its nature violent. Official state armies are not immune from the tendency to inflict unjustified violence on civilians. But in America today, this prospect is far more remote, and far less terrifying, than the notion of armed citizens striking out against a perceived enemy, answering to no authority other than their own individual prejudices and passions. The constitutional government of the United States has never been perfect, but it has repeatedly corrected its mistakes and sometime tendencies to abridge the fundamental rights of its citizens. If this basic order and balance is ever imperiled, it will almost certainly be under circumstances of severe economic stress. And in such circumstances, tolerance and good faith trust in other Americans will likely be in short supply. Even today, numerous public figures routinely characterize their political opponents as enemies of American values. And a quick glance at the comments sections of websites around the Internet reveals that many people in this country already doubt the "Americanness" of their fellow citizens and the legitimacy of existing government institutions. So a citizen uprising at any point in the foreseeable future would probably not involve like-minded constitutionalists taking up arms to defend[ing] democracy and liberty. It would more likely be a matter of one aggrieved social group attacking another. And for the most criminal and vicious members of society, the rationale of "protecting" their own rights would be a convenient justification for straight-up looting, robbery, and bloodshed. There may never be a time when all the people in this country embrace one another as true Americans or accept the authority of their political leadership. Which may be part of the country's boisterous -- if sometimes overly enthusiastic and even paranoid -- democratic tradition. But as we debate the role of firearms in our society, it makes no sense to be sidetracked by the impossible and dangerous idea that a heavily armed citizenry is the ultimate safeguard of liberty in America.

## Debrabander

#### Guns undermine freedom of expression and resistance to power

Debrabander 12, Firmin. The Freedom of an Armed Society. December 16, 2012. opinionator.blogs.nytimes.com/2012/12/16/the-freedom-of-an-armed-society/?\_r=1 NP

In her book “The Human Condition,” the philosopher Hannah Arendt states that “violence is mute.” According to Arendt, speech dominates and distinguishes the polis, the highest form of human association, which is devoted to the freedom and equality of its component members. Violence — and the threat of it — is a pre-political manner of communication and control, characteristic of undemocratic organizations and hierarchical relationships. For the ancient Athenians who practiced an incipient, albeit limited form of democracy (one that we surely aim to surpass), violence was characteristic of the master-slave relationship, not that of free citizens. Liberty entails precisely the freedom to offend. A gun in every pocket would stifle that. Arendt offers two points that are salient to our thinking about guns: for one, they insert a hierarchy of some kind, but fundamental nonetheless, and thereby undermine equality. But furthermore, guns pose a monumental challenge to freedom, and particular, the liberty that is the hallmark of any democracy worthy of the name — that is, freedom of speech. Guns do communicate, after all, but in a way that is contrary to free speech aspirations: for, guns chasten speech. This becomes clear if only you pry a little more deeply into the N.R.A.’s logic behind an armed society. An armed society is polite, by their thinking, precisely because guns would compel everyone to tamp down eccentric behavior, and refrain from actions that might seem threatening. The suggestion is that guns liberally interspersed throughout society would cause us all to walk gingerly — not make any sudden, unexpected moves — and watch what we say, how we act, whom we might offend. As our Constitution provides, however, liberty entails precisely the freedom to be reckless, within limits, also the freedom to insult and offend as the case may be. The Supreme Court has repeatedly upheld our right to experiment in offensive language and ideas, and in some cases, offensive action and speech. Such experimentation is inherent to our freedom as such. But guns by their nature do not mix with this experiment — they don’t mix with taking offense. They are combustible ingredients in assembly and speech. I often think of the armed protestor who showed up to one of the famously raucous town hall hearings on Obamacare in the summer of 2009. The media was very worked up over this man, who bore a sign that invoked a famous quote of Thomas Jefferson, accusing the president of tyranny. But no one engaged him at the protest; no one dared approach him even, for discussion or debate — though this was a town hall meeting, intended for just such purposes. Such is the effect of guns on speech — and assembly. Like it or not, they transform the bearer, and end the conversation in some fundamental way. They announce that the conversation is not completely unbounded, unfettered and free; there is or can be a limit to negotiation and debate — definitively. The very power and possibility of free speech and assembly rests on their non-violence. The power of the Occupy Wall Street movement, as well as the Arab Spring protests, stemmed precisely from their non-violent nature. This power was made evident by the ferocity of government response to the Occupy movement. Occupy protestors across the country were increasingly confronted by police in military style garb and affect. Imagine what this would have looked like had the protestors been armed: in the face of the New York Police Department assault on Zuccotti Park, there might have been armed insurrection in the streets. The non-violent nature of protest in this country ensures that it can occur. Gun rights advocates also argue that guns provide the ultimate insurance of our freedom, in so far as they are the final deterrent against encroaching centralized government, and an executive branch run amok with power. Any suggestion of limiting guns rights is greeted by ominous warnings that this is a move of expansive, would-be despotic government. It has been the means by which gun rights advocates withstand even the most seemingly rational gun control measures. An assault weapons ban, smaller ammunition clips for guns, longer background checks on gun purchases — these are all measures centralized government wants, they claim, in order to exert control over us, and ultimately impose its arbitrary will. I have often suspected, however, that contrary to holding centralized authority in check, broad individual gun ownership gives the powers-that-be exactly what they want. After all, a population of privately armed citizens is one that is increasingly fragmented, and vulnerable as a result. Private gun ownership invites retreat into extreme individualism — I heard numerous calls for homeschooling in the wake of the Newtown shootings — and nourishes the illusion that I can be my own police, or military, as the case may be. The N.R.A. would have each of us steeled for impending government aggression, but it goes without saying that individually armed citizens are no match for government force. The N.R.A. argues against that interpretation of the Second Amendment that privileges armed militias over individuals, and yet it seems clear that armed militias, at least in theory, would provide a superior check on autocratic government. As Michel Foucault pointed out in his detailed study of the mechanisms of power, nothing suits power so well as extreme individualism. In fact, he explains, political and corporate interests aim at nothing less than “individualization,” since it is far easier to manipulate a collection of discrete and increasingly independent individuals than a community. Guns undermine just that — community. Their pervasive, open presence would sow apprehension, suspicion, mistrust and fear, all emotions that are corrosive of community and civic cooperation. To that extent, then, guns give license to autocratic government. Our gun culture promotes a fatal slide into extreme individualism. It fosters a society of atomistic individuals, isolated before power — and one another — and in the aftermath of shootings such as at Newtown, paralyzed with fear. That is not freedom, but quite its opposite. And as the Occupy movement makes clear, also the demonstrators that precipitated regime change in Egypt and Myanmar last year, assembled masses don’t require guns to exercise and secure their freedom, and wield world-changing political force. Arendt and Foucault reveal that power does not lie in armed individuals, but in assembly — and everything conducive to that.

## Carlson

#### Saying that women inherently are opposed to guns stifles meaningful discussion

Carlson 14, Jennifer D. *From Gun Politics to Self- Defense Politics: A Feminist Critique of the Great Gun Debate.* Violence Against Women 2014, Vol. 20(3) 369–377 © The Author(s) 2014. Sage Publications. (Carlson is a sociologist who studies policing, guns, and gender). NP 12/15/15.

Public debates on guns often reference normative narratives regarding the relation- ship between women and guns: guns may be their best friends—as the pro-gun lobby, led by the National Rifle Association (NRA), suggests—or they are unequivocally a woman’s worst enemy. Gun control advocates, led by the Brady Campaign, argue that the guns owned by women for the purposes of self-protection are often turned against them, whereas men’s disproportionate ownership of guns creates particular threats for women. The Brady Campaign, for example, cautions that “gun owners are 7.8 times more likely than non-gun owners to have threatened their partners with guns” (Rothman, Hemenway, Miller, & Azrael, 2005, p. 62). Whereas the NRA and other pro-gun lobbyists tell women to carry a gun “because a policeman is too heavy,” the Brady Campaign leaves calling 911 as the main option for women under assault. Moreover, women are often portrayed as inherently anti-gun; as Kelly (2004) notes, “public debate of gun ownership, when it includes female voices, usually focuses only on those opposed to firearms. Conventional wisdom suggests that women, pacific by gender, are uniformly opposed to gun ownership” (p. 21). This “pacific” presumption stifles meaningful discussion about the relationship between women and guns on three counts as follows: (a) by essentializing women’s inability to defend themselves; (b) by assuming a position of racial and class privilege that obscures the more complex relationships between women and guns; and (c) by fetishizing the gun as a proxy for self-defense—and in doing so, blocking the articulation of an alternative understanding of self-defense based not on guns, but on an array of self-defense approaches.

The image of female frailty colors pro-gun discourse. The pro-gun lobby supports women’s armed self-defense on the premise that women are incomplete and utterly vulnerable without guns. This is illustrated in the widespread narrative that dramatizes the gun as the solution to women’s physical vulnerability to men: guns are figured as the “great equalizer” that put 100-pound women on the same footing as 200-pound Downloaded from vaw.sagepub.com at COLUMBIA UNIV on December 11, 2015 Carlson 371 ￼rapists, muggers, and murderers. Thus, on both sides of the great gun debate, there is a consistent subtext: On their own, women are intrinsically too physically weak to thwart a man’s attack. Of course, it is only the gun lobby that offers a way out of this “pacific” presumption: Women should be armed, preferably with guns.

#### Acknowledging nuances of women’s relationships with guns is key to effective discussion

Carlson 14, Jennifer D. *From Gun Politics to Self- Defense Politics: A Feminist Critique of the Great Gun Debate.* Violence Against Women 2014, Vol. 20(3) 369–377 © The Author(s) 2014. Sage Publications. (Carlson is a sociologist who studies policing, guns, and gender). NP 12/15/15.

Likewise, Floyd (2005), who owns guns and even obtained a concealed pistol license, expresses an ambiguous endorsement of guns that resists a clear normative relationship between women and guns: While in general I wish folks weren’t armed, I will admit that when I hear a story of a woman defending herself with her gun–when she stops her attacker or foils a kidnapping attempt or a rape–I’m glad she had her gun that day. For those whose life is in danger, I understand the need to be armed. (p. 175) Floyd’s acknowledgment that women experience different relationships to violence and guns leads her to resist a one-size-fits-all endorsement of gun control or gun rights. Downloaded from vaw.sagepub.com at COLUMBIA UNIV on December 11, 2015 372 Violence Against Women 20(3) ￼She leaves open the diverse meanings, barriers, and practices embraced and encoun- tered by women who may fall victim to violence, who may choose to purchase fire- arms, and who decide to participate in self-defense training. This approach opens up a more meaningful discussion of who might most need access to the means of self-pro- tection and who might be systematically barred from those means, despite the wide availability of firearms.

#### Fetishizing guns as tools of self-defense gives the NRA power to manipulate women

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A feminist position on self-defense seeks to avoid the pitfalls of both gun control advocacy and the gun lobby, rather than to endorse one side of the debate, hook, line, and sinker. It especially seeks to avoid the troubling binary that often emerges in debates surrounding gun politics: either increased gun control or expanded gun rights are touted as the solution to the problem of public safety. This fetishizing of the gun as the primary tool of self-defense—as much the result of gun control as gun rights advocacy—provides the NRA with a powerful narrative to situate itself as the defenders of women’s safety. Lawyer and activist Laura Ingram, for example, even went so far as to write in the Wall Street Journal that “Smith & Wesson and the National Rifle Association are doing more to ‘take back the night’ than the National Organization of Women and Emily’s List” (quoted in Browder, 2008, p. 213). Kelly (2004) notes that, “Like it or not, the NRA has become the predominant public face of gun ownership, and its positions and politics are often seen, erroneously, as rep- resenting those of all gun owners” (p. 273). But I would go a step further (to para- phrase Kelly): like it or not, the NRA has become the predominant public face of self-defense, and its positions and politics are often seen, erroneously, as represent- ing those of all self-defense advocates. Gun control advocates fetishize the gun as forbidden fruit, while the gun lobby promotes the practical politics of self-defense to women.

#### Women who use guns in disputes are severely punished

Carlson 14, Jennifer D. *From Gun Politics to Self- Defense Politics: A Feminist Critique of the Great Gun Debate.* Violence Against Women 2014, Vol. 20(3) 369–377 © The Author(s) 2014. Sage Publications. (Carlson is a sociologist who studies policing, guns, and gender). NP 12/15/15.

The silence about women of color perpetuated by both the gun rights lobby and gun control lobby has serious consequences. Consider the case of Marissa Alexander, an African American woman who was sentenced to 20 years in prison in May 2012 for three counts of aggravated assault. Despite the “Stand Your Ground” and “Castle Doctrine” laws that declare that a person has no duty to retreat from any place she has a legal right to be, especially her home, Alexander was unable to plead self-defense as she fired a warning shot toward her husband during a violent confrontation that he

Downloaded from vaw.sagepub.com at COLUMBIA UNIV on December 11, 2015￼allegedly started. An African American woman from Jacksonville, Florida, Alexander stands at the intersection of race and class that makes her an unworthy subject of self- defense. Women have historically been denied the right to justifiable homicide in the context of their own homes and instead have been treated as criminals (Gillespie, 1989), and armed African Americans have been historically treated with particular suspicion.

#### Focusing on guns as the great equalizer disempowers women who feel disempowered by them

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Many gun advocates (though not all) maintain that guns are the only sensible choice for self-defense. But the choice to carry a gun is not simply an objective question of the best tool; it is also a social question of what types of training are available and accessible (Hollander, 2004), and whether women are actually able to benefit from that training. The emphasis on guns as the “great equalizer” ignores the on-the-ground, gendered contexts in which women learn self-defense outside of women-only self- defense spaces. Many women who might otherwise choose to become more proac- tively involved in their own self-defense may find that the masculine ethos of gun culture actually blocks their ability to learn how to use a gun proficiently. If guns are the only option, then these women may be cut out completely from self-defense.

#### Silence means we’re complicit in the NRA sucking

Carlson 14, Jennifer D. *From Gun Politics to Self- Defense Politics: A Feminist Critique of the Great Gun Debate.* Violence Against Women 2014, Vol. 20(3) 369–377 © The Author(s) 2014. Sage Publications. (Carlson is a sociologist who studies policing, guns, and gender). NP 12/15/15.

American women may find themselves caught in a political bind prefigured by the tension between gun rights and gun control politics. Practically and politically, women are often asked to choose between two options—self-protection with a gun or no pro- tection at all. From a feminist perspective, both of these positions are problematic because neither adequately acknowledges the array of social conditions in which women may find that they need to defend themselves and the range of self-defense options that exceed the gun/no gun binary. Women’s varying relationships with guns are more complex than both the gun rights and gun control lobbies often acknowledge. But the irony is that in remaining silent about self-defense, the gun control lobby has actually left the pro-gun contingent with ample space to court women and defines self- defense on their terms. Downloaded from vaw.sagepub.com at COLUMBIA UNIV on December 11, 2015 376 Violence Against Women 20(3) The NRA has done far more than the Brady Campaign to make this shift possible; though their political rhetoric focuses on gun rights, they have put into place some infrastructure to train and educate people about self-defense beyond guns. This includes their Refuse to be a Victim program, which is a non-firearms self-defense course, as well as the Eddie Eagle program, another weapons-free, gun safety course for children. In many ways, the NRA does provide more to women looking to defend themselves than any other national political organization. It is, after all, the nation’s largest, most well-known self-defense training organization. That the Brady Campaign has allocated this entirely to the NRA explains in part why gun control advocates are unable to gain much ground in public debate. The gun control lobby has so fetishized the gun that it has forgotten what supposedly drives its political agenda: safety from violence. A move from gun politics to self-defense politics would constitute an important feminist shift. By acknowledging a range of self-defense options, not limited to but including armed self-defense, feminists can help break down the binary between dis- armed, feminized victim and armed, masculine hero. Broadening the public debate from the issue of guns to that of self-defense would likely provide women with more accessible tools of self-protection without binding them to either carry guns or be defenseless.

## Stolzenberg and D’Alessio

#### This methodology is grrrr-8!

Stolzenberg and D’Alessio 2k. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

In this article, we improve upon previous research by employing data drawn from the National Incident-Based Reporting System(NIBRS) for South Carolina. The use of NIBRS rather than the UCR aids in the investigation of the relationship between gun availability and violent crime in several important aspects. First, NIBRS enables the creation of a theoretically relevant measure of illegal gun availability: the number of stolen guns reported to the police. This measure, which has not been used previously by researchers, serves as a suitable indicator of illegal gun availability because stolen guns are often employed by individuals in illegal activities (sSheley&Wrigh1t995;Wrigh&t Rossi1986).In addition, it is important that a distinction is made between illegal and legal gun availability because illegal guns may be relevant in increasing violence levels, whereas legitimate guns may be salient in reducing violence levels(Cook 1979).

A second advantage is that the NIBRS allows for the creation of a comprehensive measure of gun violence. In contrast to previous research that examined the effect of gun availability on a limited number of crime categories such as armed robbery, assaults, and/or homicides committed with a gun, we have the ability with NIBRS to measure the "total" number of crimes committed with a gun that are reported to the police. For example, if an offender uses a gun in the commission of a rape or kidnapping, these data are captured by NIBRS. This information is not contained in the UCR. Finally, NIBRS data can be disaggregated by offender demographic characteristics and weapon usage. For example, a researcher can determine whether a youth was arrested for a crime in which a gun was used. The ability to disaggregate crime data by age and weapon usage is important because of the growing problem of youth gun violence (Greenfeld & Zawitz 1995).

#### Focusing on South Carolina’s best – there’s a high reporting rate

Stolzenberg and D’Alessio 2k. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

The data used in this study were obtained from the National Incident-Based Reporting System for South Carolina for the years 1991to 1994.We focus on South Carolina because it was an original test state for the implementation of NIBRS and because it has 100% reporting across the state. The purpose of NIBRSis"toenhancethequantityqu,alitya,ndtimelinesosfcrimestatisticdalata collectedbythelawenforcemencotmmunitayndto improvethemethodology usedforcompilinga,nalyzingau,ditinga,ndpublishintghecollectedcrimedata" (U.S. DepartmenotfJustic1e988:1).Boththeguidelineasndthespecifications usedinthedevelopmenotfNIBRScanbe foundintheBlueprintfothreFuture oftheUniformCrimeReportinPgrogram(AbtAssociate1s985).BecauseNIBRS iscapableofproducinmgoredetaileda,ccuratea,ndmeaningfudlatathanthose generatebdythetraditionaUlCR,itprovidersesearcherwsithanindispensable toolforstudyincgrime.3

#### County-level data’s best – it allows for the greatest number of controls

Stolzenberg and D’Alessio 2k. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

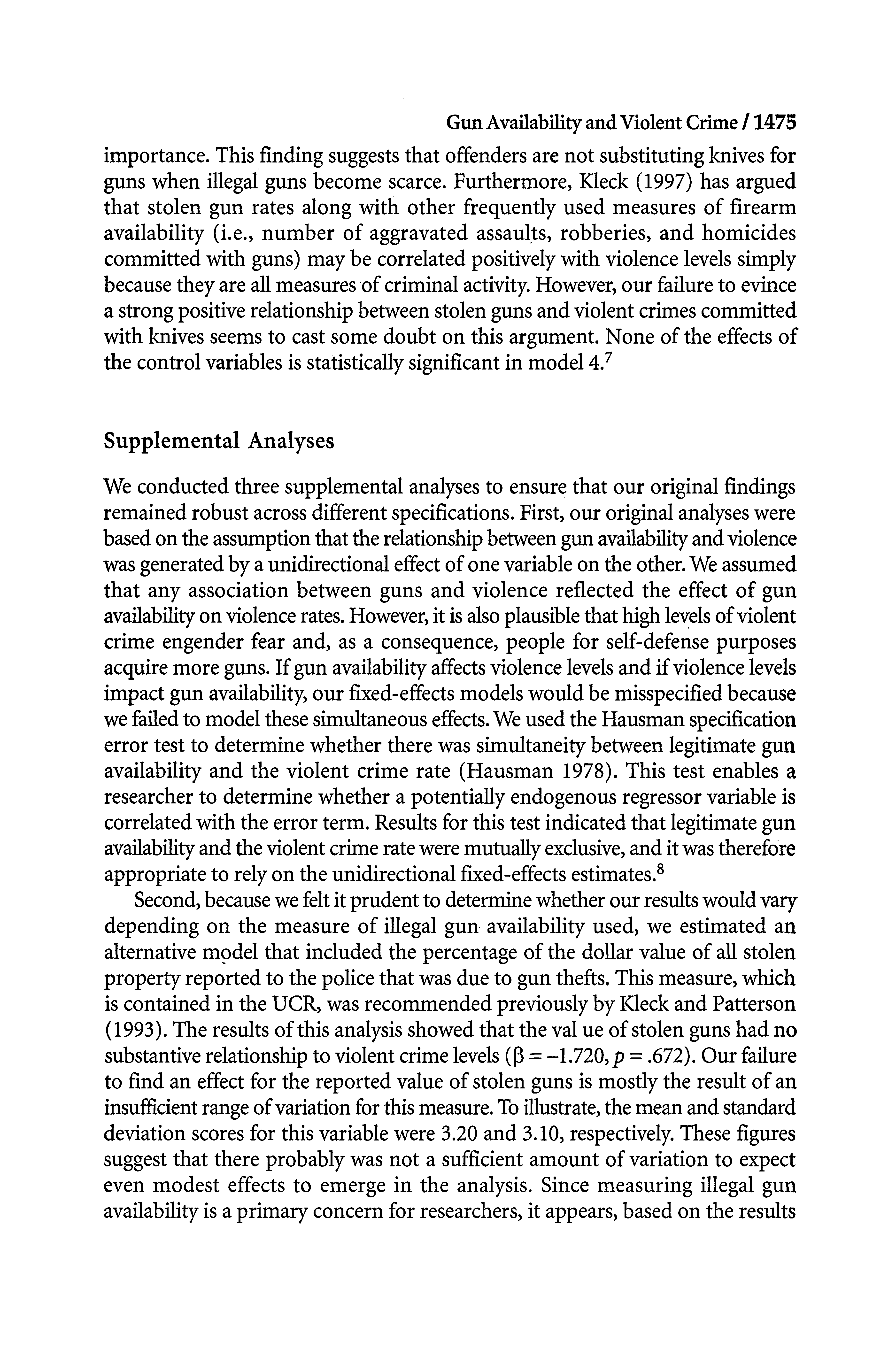
Our data are aggregated at the county level because the county is the smallest geographical unit for which data were made available. Additionally, using county- level data allows us to examine the relationship between gun availability and violent crime across a wide range of social contexts. A number of previous analyses that relied on county-level data found that gun availability was either unrelated or negatively related to violent crime (Bordua1986;Bronar&s Lott1998;Lott1998; Lott& Mustard1997).

#### Increased gun access increases crime

Stolzenberg and D’Alessio 2k summarize. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

There are other ways in which gun availability may increase violence. For examples, some have argued that guns facilitate attack by persons too squeamish to come into close contact with their victims(Newton& Zimring1969).The sight of a gun may also elicit aggression from an angered individual because of the learned association between weapons and aggressive behavior(Berkowitz 1993).Finally, guns may facilitate the element of surprise, since they enable their possessor to attack a victim from a distance greater than normally possible. Given the plausibility of each of these explanations, a strong theoretical relation exists for expecting that gun availability, at least to some degree, influences violent crime in society

#### Controls: unemployment, divorce rate, juvenile commitment rate, percentage of high school dropouts, population density, Aid to Famiies with Dependent Children



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SupplementalAnalyses

#### The study controls for reverse causality

Stolzenberg and D’Alessio 2k summarize. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

We conducted three supplemental analyses to ensure that our original findings remained robust across different specifications. First, our original analyses were based on the assumption that the relationship between gun availability and violence was generated by a unidirectional affect of one variable on the other. We assumed that any association between guns and violence reflected the effect of gun availability on violence creates. However, it is also plausible that high levels of violent crime engender fear and, as a consequence, people for self-defense purposes acquire more guns. If gun availability affects violence levels and if violence levels impact gun availability, our fixed-effects models would be misspecified because we failed to model these simultaneous effects. We used the Hausman specification error test to determine whether there was simultaneity between legitimate gun availability and the violent crime rate (Hausman 1978). This test enables a researcher to determine whether potentially endogenous regressor variable is correlated with the error term. Results for this test indicate that legitimate gun availability and the violent crime rate was mutually exclusive, and it was therefore appropriate to rely on the unidirectional fixed-effects estimates.

Stolzenberg and D’Alessio 2k summarize. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

After estimating several models, with a broad array of outcome measures and independent variables, we found virtually no evidence that legitimate gun availability influenced the violent crime rate or crimes committed with a gun. Although concealed weapon laws have been linked previously to reduced levels of crime in both theoretical arguments and by empirical evidence, our analysis finds no credible evidence for the view that concealed weapon permits are associated with violent crime rates. Such a finding contradicts the self-defense hypothesis, namely, that legitimate gun availability reduces violent crime. Apparently, the fear of possibly confronting is not an important factor in deterring a would-be offended. Similarly, we found little support for the position tha tas the number of legitimate guns in the general population increases, violent crime also rises. Rather, our results show the primacy of illegal gun availability in predicting the violent crime rate. Illegal gun availability is the only variable that shows consistent, nontrivial effects across all models estimated. These strong effects persist even after controlling for a variety of potentially rival causal factors.

#### Crime increases rate of gun ownership – not the other way around

Stolzenberg and D’Alessio 2k summarize. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

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#### Making the distinction between legal and illegal gun ownership is super important

Stolzenberg and D’Alessio 2k. Stolzenberg, Lisa. D'Alessio, Stewart J. Gun Availability and Violent Crime: New Evidence from the National Incident-Based Reporting System. Social Forces, Vol. 78, No. 4 (Jun., 2000), pp. 1461-1482. Oxford University Press. NP 12/16/15.

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## Watts

#### Guns on campus make assault more likely

Watts 15, Shannon. More guns on campus is not the answer to sexual assault. www.msnbc.com/msnbc/more-guns-college-campuses-not-the-answer-sexual-assault 2.24.15. NP 1/2/15 Shannon Watts is the Founder of Moms Demand Action for Gun Sense in America, a nonpartisan group that supports common-sense gun reforms.

But if you ask the real experts – those who will be impacted by dangerous campus carry laws – 78% of students, 95% of college presidents and 89% of police chiefs agree that more guns on college campuses are not the answer to keeping women safe. That’s because campuses are rife with alcohol, drugs, and depression: a dangerous recipe that may be made deadly by adding guns to the mix. Indeed, research shows that alcohol is involved in most campus sexual assault, and alcohol leads to impaired judgment about gun use. However, our lawmakers either aren’t listening or don’t care about the opinions and wishes of those who campus carry would impact the most. They care more about what the NRA thinks of them than their own constituents. Make no mistake: it would be a big win for the NRA and gun manufacturers to force guns onto campus. Over the past few decades, more guns have been sold to fewer people, and the gun industry is desperate to broaden its market to include more women and young people. By lobbying for gun laws that erroneously claim to stop sexual assault, the NRA is that much closer to its goal of ensuring guns for everyone, anywhere, any time. “Campuses are rife with alcohol, drugs, and depression: a dangerous recipe that may be made deadly by adding guns to the mix.” SHANNON WATTS But women are not falling for the NRA’s false narrative that most predators are strangers jumping out of the bushes and attacking women. In fact, between 80% and 90% of sexual assaults at colleges involve acquaintances, not strangers. A professor at Florida’s Eckerd College summed it up succinctly during her recent testimony at a hearing on campus carry in Florida: “Proponents will tell you that allowing concealed carry will protect female students from sexual assault. I will point out the obvious; you’ll be arming the assailant

s, too.” As a mother of five children—three of whom will be away at college this fall—the issue of campus carry is very personal. Like any mom, my primary concern is for my children’s safety—especially when they’re away from home. The thought that my daughters could be surrounded by students making impulsive and sometimes dangerous decisions while carrying a firearm or be expected to defend themselves with a gun, is not something I am willing to accept. Speak up, parents—this is on us. Don’t allow the NRA to decide what’s best for our children. State legislatures should not force our schools to allow guns. They need to know voters – the people who pay their salaries – are paying attention and we demand they stop exploiting the campus sexual assault crisis to profit the gun lobby and gun manufacturers. The NRA is right that our daughters need protection; they need their parents to protect them from the NRA.

## Skorton & Altschuler

#### Guns on campus don’t prevent crime – they prevent effective intervention to prevent it and arm potential perpetrators of violence

Skorton and Altschuler 13. Skorton, David. Altschuler, Glenn. Do We Really Need More Guns On Campus? [www.forbes.com/sites/collegeprose/2013/02/21/guns-on-campus/](http://www.forbes.com/sites/collegeprose/2013/02/21/guns-on-campus/) NP 12/2/15.

Given a sense of urgency by the murders at Sandy Hook Elementary School, the gun control debate rages on across the nation. Less well known is that this year many state legislatures will consider whether to require public colleges and universities to allow guns on campus. We oppose legislation that will prevent colleges from setting their own gun policies—and will make students, staff and faculty less safe. Today the vast majority of U.S. colleges and universities, public and private, prohibit guns. Federal law is silent on the issue, and the states are somewhat divided. Five states—Colorado, Mississippi, Oregon, Utah and Wisconsin—have laws allowing “concealed carry” at public colleges and universities. Details of the laws vary. In Wisconsin administrators can prohibit weapons from campus facilities if they post no-weapons signs on each building. Mississippi allows concealed carry on campus only for those who complete a firearm safety course. Utah is the only state that specifically forbids public colleges and universities from banning the carrying of concealed weapons. The rest of the states divide into those that do not allow concealed weapons on campuses (21) and those that permit colleges to set their own gun policies (24). After the shootings at Virginia Tech in 2007, in which 33 people died, and at Northern Illinois University, where 6 were killed in 2008, debates on campus gun policies in state legislatures soared. Two years ago only one state permitted concealed carry at public institutions, compared with five today. In 2011 and 2012 state legislators introduced at least 34 bills to allow concealed firearms on campuses. Although most of those measures failed to pass, many of them are back on the docket this year. Proponents of concealed carry laws usually argue that the constitutional right to bear arms should apply everywhere, on campuses as well as off; that people are safer when they have guns to protect themselves; and that an armed bystander could put a stop to a mass shooting in progress. “The current rules guarantee criminals a free shot,” says David Burnett of Students for Concealed Carry, which the Wall Street Journal calls a “major force” for guns on campus. “Allowing licensed concealed carry would give potential attackers pause and ultimately give innocent victims a fighting chance.” Recommended by Forbes MOST POPULAR Photos: The Richest Person In Every State A New Year's Resolution For Science Advocates: Don't Cry Wolfe MOST POPULAR Photos: The World’s Highest-Paid Actors 2015 MOST POPULAR Billionaires 2015: Highlights With that view in mind, let’s look at what actually happens on college campuses. Colleges and universities are far safer than most public spaces in the United States. The campus homicide rate is about 1 death per 1 million people, compared to 57 deaths per million in the general population. In the college-age population in general, moreover, homicide is the second leading cause of death, while on college campuses it remains a rare event. Still, no campus is crime-free. Would more guns on campus prevent crimes? In the Chronicle of Higher Education last June, Gary Olson, former provost of Idaho State University, stated categorically that “there is no recorded incident in which a victim—or spectator—of a violent crime on a campus has prevented that crime by brandishing a weapon.” As for the extremely rare case of an active shooter, we shudder at the prospect of campus police, who often do[es] bear arms, rushing into a scene where more than one person is firing a gun. As Regina G. Lawson, chief of police at Wake Forest University, said at a 2008 conference on higher-education law, “When you’re responding to a situation like that, and someone’s in plain clothes with a gun, who’s the bad guy? Who are you going to take out to save the lives of the 10,000 other students you’re trying to protect?” Like all police officers, campus police would likely have a low rate of accuracy in such chaotic situations, given the likelihood that the officer is moving, the target is moving, and victims are fleeing in every direction. (Time magazine reported in January that New York City police in gunfights hit their target 18% of the time.) The average student, professor, or staff member carrying a weapon is likely to be far less accurate, substantially raising the odds of more innocent victims.

#### College environments make possession of guns really dangerous, increasing chance of suicide

Skorton and Altschuler 13. Skorton, David. Altschuler, Glenn. Do We Really Need More Guns On Campus? [www.forbes.com/sites/collegeprose/2013/02/21/guns-on-campus/](http://www.forbes.com/sites/collegeprose/2013/02/21/guns-on-campus/) NP 12/2/15.

Campuses are a risky environment for guns in other ways as well. We don’t need to put more firearms in the hands of college students, a cohort that includes emotionally volatile [people] young men and women and abusers of alcohol and drugs. How many accidental shootings will happen under the influence? How many disputes will turn deadly if a gun is nearby? Consider also an even more compelling fact: suicide is the second leading cause of death for college students (after accidents). According to the Harvard Injury Control Research Center, 85% of attempted suicides using guns are fatal, compared to only 2% of attempts by a far more common method, drug overdose. If guns are more readily available, many more suicide attempts will likely succeed. By all means, let’s get on with the national and state-level debate about how best to balance second-amendment rights with public safety. We applaud President Obama’s directive to scale up federally funded research on gun violence—research that for decades has been squelched by the political muscle of gun rights advocates. More research means better-informed choices. But meanwhile, let our colleges and universities set their own policies. We believe that the great majority will continue to prohibit guns, and our campus communities will be all the safer.

## Frattaroli

#### Here’s the enforcement mechanism for removing guns from domestic violence offenders

Frattaroli summarizes, Shannon**.** Removing Guns from Domestic Violence Offenders: An Analysis of State Level Policies to Prevent Future Abuse. Baltimore, MD: The Johns Hopkins Center for Gun Policy and Research, 2009. (Shannon Frattaroli, PhD., MPH, is an Associate Professor in the Department of Health Policy and Management at the Johns Hopkins Bloomberg School of Public Health. Her research interests include understanding how policies are implemented and enforced, with particular attention to policies designed to reduce intimate partner violence, and illegal gun transfers. She uses both qualitative and quantitative approaches toward those ends.) NP 1/6/16.

Recommendations States without Police Removal and/or Court-Ordered Removal Policies Our review revealed that 23 states do not have a court-ordered removal law or a police gun removal law in place. Seventeen states and the District of Columbia have one of these two laws. Advocates and policy makers in these states should consider whether these policies would complement their state’s current IPV prevention policy tools, and organize accordingly. For those interested in pursuing new policy initiatives to add police removal and/or court-ordered removal policies to their state codes, we encourage consideration of the characteristics of existing policies discussed in this report when developing new legislation. States with Existing Police Removal and/or Court-Ordered Removal Policies Twenty-seven states and the District of Columbia have policies to address the threat that armed batterers pose by authorizing law enforcement and/or the courts to remove guns from people who are violent toward their intimate partners. However, a state’s ability to effectively implement such laws is likely influenced by the enforcement authority detailed in these policies. Based on our analysis of select characteristics of these laws, court-ordered removal and police gun removal laws with the following characteristics offer law enforcement clear authority to implement and enforce these laws. n Mandatory “shall remove” laws are preferable to discretionary “may issue” laws. Shall issue laws limit discretion and facilitate consistent implementation. n Requiring that guns have been used as an instrument of abuse limits the preventive potential of these laws to reduce the risk of severe and lethal abuse. Laws that condition gun removal on prior abuse with a gun require the abuse to escalate to a lethal threat level, and fail to intervene before the abuse turns potentially lethal. This requirement is a missed opportunity for prevention and is not recommended. n Laws that condition gun removal on arrest of the alleged batterer impose a link between two IPV response options that need not be connected, and may needlessly complicate law enforcement officers’ decisions about how and when to use arrest and gun removal to achieve maximum benefit. n Laws that require the presence or potential risk of danger associated with the gun as a condition of police removal may be too subjective for consistent, effective implementation and therefore this requirement is not recommended. removing guns from domestic violence offenders 30 n Court authority to remove guns from protective order respondents during both the temporary and permanent stages of the order are more comprehensive than laws that restrict court removal authority to the permanent order stage. Offering this protection when respondents first learn of the order is advisable given the heightened danger for the protected party at this time. n Responsibility for removing surrendered guns should rest with law enforcement. Relying on respondents to comply with the court’s order may result in decreased compliance with the law. In general, laws that specify clear procedures for the mechanism, immediacy, and duration of gun removal, and provide funding to train law enforcement and the courts in implementing these laws will aid implementation and increase the likelihood that these laws will positively impact victim safety. Good laws require effective implementation and enforcement. Advocates and policy makers in states where these laws exist and are well written can assess how law enforcement and the courts are using these laws to increase available protections for IPV victims. Working with state and local officials to support efforts to assure that these laws are effectively used is important. There is a need for research that informs how these laws are being implemented, and the impact of well-implemented laws on victim, law enforcement, and community safety

## Buruna

#### People can use the weapon of their attacker against them

Burana 15, Lily. What’s the Right Way to Protect Sex Workers?. nymag.com/thecut/2015/07/whats-the-right-way-to-protect-sex-workers.html July 31, 2015. (Lily Burana is an American writer whose publications include the memoir I Love a Man in Uniform: A Memoir of Love, War, and Other Battles, the novel Try and Strip City: A Stripper's Farewell Journey Across America. Wikipedia) NP 1/6/16.

"Heather," an independent call girl in Charleston, West Virginia, has become a sex-industry superhero of sorts: Last week, she fatally shot a would-be attacker with whom she’d connected through the escort section of backpage.com. The assailant, Neal Falls, forced his way into her home, pointed a 9-mm gun to her chest, and asked her, "Live or die?" He then tried to strangle her, police reported. When Falls put the gun down momentarily, Heather grabbed the weapon and blindly shot him once in the head, killing him instantly. A local police official revealed that Falls had a "kill kit" in his car, which included four sets of handcuffs, bulletproof vests, a box cutter, an ax, a machete, knives, a large container of bleach, and a large number of trash bags. Police also found on Falls a list of the names, ages, and phone numbers of six other escorts in the region. These discoveries led police to surmise that this was likely not Falls’s first attempt at a violent crime, and they now believe he may be linked to the unsolved murders of prostitutes in nine different states. Small wonder prostitutes everywhere are toasting Heather and voicing support. The Twitter hashtags say it all: #sexworkerheroheather, #hookers4heather, #heatherisahero, and #heatherisaSHEro. Kristin DiAngelo, executive director of Sex Workers Outreach Project Sacramento, who identifies herself as “a survivor of sex trafficking, beatings, and sexual assault, and a sex worker who uses the internet to meet clients,” posted a statement about Heather on the organization’s site. She said that she wanted to express her "solidarity and support" for Heather, and went on to consider the conditions that gave rise to her attack. “Neal Falls targeted sex workers because he knew that we live in quiet isolation," DiAngelo wrote. "We live in daily terror that police will arrest us for the simple act of earning a living. We are driven underground and painted as either victims or as villains in the media. The laws that dictate our conditions are driven by these myths and misrepresentations.” A crowd-funding effort to help Heather retire from prostitution was started earlier this week. Both among sex workers and in the mainstream media — which has been refreshingly kind toward a sex worker — people are wondering: How many lives might Heather have saved by saving her own? Meanwhile, a group of Hollywood stars are taking it upon themselves to protect sex workers in a different way. Amnesty International is scheduled to review an internal policy document on sex work this August; and Meryl Streep, Lena Dunham, Anne Hathaway, Kate Winslet, and Emma Thompson are among those who signed a letter calling on the organization to reject a proposal that would endorse the decriminalization of the sex trade worldwide. “Every day, we combat male access to women’s bodies through power and control,” read the letter. “The exchange of money for such access does not eliminate the violence women face in the sex trade … Amnesty’s reputation in upholding human rights for every individual would be severely and irreparably tarnished if it adopts a policy that sides with buyers of sex, pimps and other exploiters rather than with the exploited.” In response, Amnesty pointed to research indicating that the criminalization of consensual adult sex work can actually lead to greater abuse against sex workers: “These violations include physical and sexual violence, arbitrary arrest and detention, extortion and harassment, forced HIV testing and medical interventions and exclusions from healthcare, housing and other social and legal benefits,” reads a statement from the organization. Keeping sex workers safe isn’t as simple as Hollywood feminists might believe. Both the Amnesty dustup and the story of Heather connect to a larger issue: What is the best public policy for sex workers? “Serial murderers who have targeted escorts have admitted they did so because they knew there wouldn't be much of an investigation, if any,” says Audrey, an escort in Chicago. “Killers of sex workers know that law enforcement and society at large see us as disposable.” If prostitution were broadly decriminalized, this could change, she says. “Let's say Neal Falls had changed his mind and fled, leaving Heather bruised and battered. Heather would have been able to report the incident without fear of legal repercussions, as her profession would be legal. Keeping prostitution illegal helps no one. No one.” There are plenty of paradoxes inherent in activism vis-à-vis prostitution — how to protect someone in a vulnerable occupational situation while not appearing to endorse that occupation? How to condemn the ugly realities of coercion and violence without appearing to condemn the women (and men) working as prostitutes? In a line of work where the financial and social inequality on either side of the transaction can be quite pronounced, is true agency possible on the prostitute’s part? These questions are all perfectly legitimate. The problem arises when the proposed answers have more to do with the askers’ distaste for prostitution than with research-supported solutions to help sex workers. It becomes more about the morality and feelings of the savior than those being saved. “Because some of these [celebrity activists] espouse progressive politics, you’d think they’d consider their own privilege, reserve judgment to some extent, and consider ideas and research from sex worker, academic, and health rights advocates,” says Bay Area sex-work activist Carol Leigh. “The abolitionist approach demonizes commercial sex, and sex-worker-rights activists.” The chilling reality for prostitutes is that social stigma and fear of tangling with the law all but ensure that they toil in the margins, which leaves them to fend for themselves when it comes to personal safety. Stories like Heather’s, sex-worker activists say, are something that those who oppose decriminalization should keep in mind. For all the celebrities concerned about keeping women in charge of their lives, bodies, and sexual agency, Heather is someone who, literally, took her best shot at it. What better choice did she have?

## Hemley et al

Handgun demand is elastic, depending on prices of other firearms

Bice and Hemley 2. Douglas C. Bice and David D. Hemley. (Eastern New Mexico University) The Market for New Handguns: An Empirical Investigation. The Journal of Law & Economics, Vol. 45, No. 1 (April 2002), pp. 251-265. University of Chicago Press for Booth School of Business, University of Chicago and University of Chicago Law School <http://www.jstor.org/stable/10.1086/324656> NP 1/15/16.[[1]](#footnote-1)

The results reported in Table 2 suggest that the demand for handguns is elastic and sensitive to the price of other firearms. The estimated price elasticity of demand varies between 2.4 and 3.3 across the four reported specifications. Further, the cross-price elasticity of demand with respect to the price of shotguns varies from 2.8 to 4. While the reported specifications hold the influence of disposable personal income constant, none of the specifications has a satisfactorily precise estimate of the influence of this variable on the quantity of handguns demanded. Specification 1 suggests an income elasticity of 1.8. However, the statistical significance of this result is questionable; the associated p-value for a onetailed test is .07. The addition of categorical variables to examine the influence that discussion of restrictive federal gun legislation had on demand reduces the precision with which the coefficient of income is estimated. In addition to the results reported, specifications incorporating real consumption expenditures, detrended real disposable personal income, and the change in personal income were also estimated. As in the reported specifications, the estimated coefficients were correctly signed but statistically insignificant.18

#### Police expenditures are negatively correlated with gun demand

Bice and Hemley 2. Douglas C. Bice and David D. Hemley. (Eastern New Mexico University) The Market for New Handguns: An Empirical Investigation. The Journal of Law & Economics, Vol. 45, No. 1 (April 2002), pp. 251-265. University of Chicago Press for Booth School of Business, University of Chicago and University of Chicago Law School <http://www.jstor.org/stable/10.1086/324656> NP 1/15/16.[[2]](#footnote-2)

Real per capita **expenditures on police protection are inversely related to the demand for handguns, ceteris paribus. The coefficient estimates range from 1.3 to 2.4, which suggests that the demand for handguns falls more than proportionately with an increase in the price of a given level of public safety**. Thus, **the private protection of property rights is a complement for the public protection of property rights.**

## Wellford

Wellford et al 4. Charles F. Wellford, John V. Pepper, and Carol V. Petrie, Committee on Law and Justice, National Research Council, 2004, "Firearms and Violence: A Critical Review," National Academies Press, NP 1/17/16.

Wright and Rossi’s (1994) 1992 survey of 1,874 convicted felons serving time in 11 prisons in 10 states throughout the United States, for example, revealed a complex market of both formal and informal transactions, cash and noncash exchange, and new and used handguns. Felons reported acquiring a majority of their guns from nonretail, informal sources. Only 21 percent of the respondents obtained the handgun from a retail outlet, with other sources including family and friends (44 percent) and the street (that is, the black market), drug dealers, and fences (26 percent). Moreover, the majority of handguns were not purchased with cash. Of the surveyed felons, 43 percent acquired their most recent handgun through a cash purchase, while 32 percent stole their most recent handgun. The remainder acquired their most recent handgun by renting or borrowing it, as a gift, or through a trade. Finally, almost two-thirds of the most recent handguns acquired by felons were reported as used guns, and one-third were reported as new guns. Illicit firearms markets dealt primarily in secondhand guns and constituted largely an in-state, rather than out-of-state, market.

Wellford et al 4. Charles F. Wellford, John V. Pepper, and Carol V. Petrie, Committee on Law and Justice, National Research Council, 2004, "Firearms and Violence: A Critical Review," National Academies Press, NP 1/17/16.

What determines the demand for guns? Offenders acquire firearms for a variety of reasons: self-protection, a means for generating income, a source of esteem and self-respect, and a store of value. For example a rise in violence in a specific city may shift the demand curve up because of the increased return to self-protection. We assume that the demand for guns for criminal purposes is negatively related to the price and other costs of acquisition; there is no research on the elasticity with respect to either price or any other cost component that would allow quantification of the importance of this effect. Note that individuals make two kinds of acquisition decisions, active and passive; passive refers to holding rather than selling a valuable asset. Most market interventions aim only at the acquisition decision; retention is affected only indirectly, in that an increase in the value of a gun may lead to a greater willingness to sell to others.

Gun shows are large suppliers of criminals guns’

Wellford et al 4. Charles F. Wellford, John V. Pepper, and Carol V. Petrie, Committee on Law and Justice, National Research Council, 2004, "Firearms and Violence: A Critical Review," National Academies Press, NP 1/17/16.

Gun shows are poten**tial** specific places where criminals acquire guns. Gun shows may be especially attractive venues for the illegal diversion of firearms due to the large number of shows per year, the size of the shows, the large volume of transactions, and the advertising and promotion of these events. Gun shows provide a venue for large numbers of secondary market sales by unlicensed dealers; they are exempted from the federal transaction requirements that apply to licensed dealers who also are vendors at these events. The Police Foundation (1996) estimated, from the National Survey of Private Gun Ownership, that gun shows were the place of acquisition of 3.9 percent of all guns and 4.5 percent of handguns. The 1991 BJS survey of state prison inmates suggests that less than 1 percent of handgun using inmates personally acquired their firearm at a gun show (Bureau of Justice Statistics, 1993). However, these data did not determine whether a friend, family member, or street dealer purchased the gun for the inmate at a gun show. While it is not known what proportion of crime guns come from gun shows or what proportion of gun show dealers act criminally, research suggests that criminals do illegally acquire guns at these venues through unlicensed dealers, corrupt licensed dealers, and straw purchasers (Braga and Kennedy, 2000). Certain states specifically regulate firearms sales at gun shows; otherwise, there have been no systematic attempts to implement place-based interventions to disrupt illegal transactions at gun shows.

## Gayo

#### Campus carry reentrenches racial divides by selectively granting some students the right to carry, while fearing others who do

Gayo 15. Loyce Gayo, Gayo is an African and African Diaspora Studies senior from Houston. Follow her on Twitter @LoyceGayo. 10-6-2015, "Campus carry fuels white privilege, criminalization of Black people," No Publication, http://www.dailytexanonline.com/2015/10/06/campus-carry-fuels-white-privilege-criminalization-of-black-people, accessed 1-17-2016. NP.

Imagine for a moment that a large group of Black men bearing sawed-off shotguns and AR-15s crashed the Texas Capitol during ACL festivities to solicit your support for open carry. Would they be met with the same inquisitive looks from tourists similar to those that met a group of armed white men who did the same earlier this year at SXSW? Or something more fatal? According to international relations and global studies senior Azeem Edwin, the answer to that question is simple. “If there were 10 Black guys walking with guns on campus, I believe the perception would be 10 times different than if it were white men,” Edwin said. “The image of a Black male is a thug, while the image of a white male with a gun is [excused as carrying] for recreational use.” History has shown gun control and racism have a long and vile union. Before the Civil War, Southerners passed laws to keep guns away from slaves and freed Blacks to stifle potential revolt. After the Civil War and during the rise of the Ku Klux Klan, Southern laws were passed to disarm the Black man. The fear of Black people with guns survived well into the 1960s. After a group of Black Panther members wielding guns barged into California’s state capitol, lawmakers passed the 1967 Mulford Act, banning open carrying of loaded guns in public. “Gun laws started changing in California when Black people started to carry arms,” said Edmund Gordon, chair of the African and African Diaspora studies department. “I am sure if [Black people] were disproportionately exercising concealed carry, they would quickly pass laws against that.” These racist perceptions have not left America’s conscience and still plague us today. The death of John Crawford III, a 22-year-old who was gunned down in a Wal-Mart for carrying a toy BB gun, and the brutal shooting of Tamir Rice, a 12-year-old who was shot and killed by police for playing with his toy gun, have shown how Black bodies, regardless of age, can be criminalized. “The denigration of Black people comes out of the act of slavery and the notion that Black people are still less important,” Gordon said. “The lives of Black people, in general, matter a lot less than the lives of white people in this society. We are more disposable.” The polarizing discussion on race as it pertains to gun control is a critical element to the campus carry debate. It is crucial to consider how the aftermath of this legislation can potentially perpetuate the criminalization of Black students. Campus carry does not consider the safety of students of color. Based on the historical precedent of Black people framed as dangerous, the new gun policy will endanger Black students who choose to exercise their new rights.

## Balko

#### Adding more gun laws to the books increases selective incarceration, and selective targeting by the police, reifying racial divides

Balko 14. Radley Balko blogs about criminal justice, the drug war and civil liberties for The Washington Post. He is the author of the book "Rise of the Warrior Cop: The Militarization of America's Police Forces.", 7-22-2014, "Shaneen Allen, race and gun control," Washington Post, https://www.washingtonpost.com/news/the-watch/wp/2014/07/22/shaneen-allen-race-and-gun-control/, accessed 1-17-2016. NP 1/17/16.

Last October, Shaneen Allen, 27, was pulled over in Atlantic County, N.J. The officer who pulled her over says she made an unsafe lane change. During the stop, Allen informed the officer that she was a resident of Pennsylvania and had a conceal carry permit in her home state. She also had a handgun in her car. Had she been in Pennsylvania, having the gun in the car would have been perfectly legal. But Allen was pulled over in New Jersey, home to some of the strictest gun control laws in the United States. Allen is a black single mother. She has two kids. She has no prior criminal record. Before her arrest, she worked as a phlebobotomist. After she was robbed two times in the span of about a year, she purchased the gun to protect herself and her family. There is zero evidence that Allen intended to use the gun for any other purpose. Yet Allen was arrested. She spent 40 days in jail before she was released on bail. She’s now facing a felony charge that, if convicted, would bring a three-year mandatory minimum prison term. At first blush, much about Allen’s case seems counterintuitive. When we think about the gun control debate, we typically picture progressive pundits, politicians and activists arguing with white, conservative activists and politicians representing rural interests. When I first posted her story to Twitter, a couple of progressive responders predicted that because Allen is a black single mother, the gun rights community would all but ignore her. But that hasn’t been true at all. In fact, Allen has become something of a rallying point for gun rights activists. She is being represented by Evan Nappen, an attorney who specializes in gun cases and is a gun rights activist himself. Some conservatives have similarly accused progressives of ignoring Allen’s case because she stands accused of a gun crime. It’s certainly true that her case has received much more attention from the right than the left. But Nappen says he has seen plenty of support for her from racial justice groups, too. As it turns out, Allen’s case isn’t unusual at all. Although white people occasionally do become the victims of overly broad gun laws (for example, see the outrageous prosecution of Brian Aitken, also in New Jersey), the typical person arrested for gun crimes is more likely to have the complexion of Shaneen Allen than, say, Sarah Palin. Last year, 47.3 percent of those convicted for federal gun crimes were black — a racial disparity larger than any other class of federal crimes, including drug crimes. In a 2011 report on mandatory minimum sentencing for gun crimes, the U.S. Sentencing Commission found that blacks were far more likely to be charged and convicted of federal gun crimes that carry mandatory minimum sentences. They were also more likely to be hit with “enhancement” penalties that added to their sentences. In fact, the racial discrepancy for mandatory minimums was even higher than the aforementioned disparity for federal gun crimes in general: USSC Source: U.S. Sentencing Commission Some on the law-and-order right will argue here that the disproportionate number of arrests, convictions and mandatory minimum sentences for black offenders is merely a reflection of the fact that black people are disproportionately likely to commit these sorts of crimes. Progressives will argue that the disparity reflects institutional racism in the criminal justice system. There’s some truth to both. But there’s no disputing the figures. Much of this boils down to professional discretion. When a person victimizes another person with a gun, the offending person has already committed a crime. And in nearly every state and under federal law, it is already an additional crime to use or possess a gun while doing something that is already a crime. So when gun control advocates say we need to crack down on gun offenders, or when they propose that we create new gun crimes, they aren’t suggesting we crack down on people who use guns to rob banks or to commit murders. We already go after those people. What they’re proposing is that we target people who possess, sell or transport guns not because they want to hurt people with them, but for reasons ranging from what most reasonable people would believe to be justifiable (like Shaneen Allen) to what gun control proponents would likely consider objectionable (the gun shop owners and gun manufacturers who make money selling weapons). If you’re an advocate for gun control, you could certainly argue that the tradeoff here is worth it. There’s an argument to be made that we still need to target irresponsible gun owners and gun merchants, even if they aren’t using guns to victimize people, because their guns could end up in the hands of people who do. But if you’re going to make that argument, you also need to understand that prosecuting people under these circumstances means that we’ll be putting more people in prison. And who those people are will reflect all of the biases, prejudices and predispositions present in the laws we already have. It will also mean giving a lot more discretion to law enforcement officials and prosecutors. When someone robs a bank with a gun or kills someone with a gun, there’s no debate about who needs to be investigated and prosecuted. When a police agency is charged to seek out and prosecute people who are illegally possessing or transferring guns, they’re required to use their own discretion when it comes to what communities to target and what methods they’ll use to target them. Inevitably, this will manifest as sting operations against communities with little political clout. (Or, just as troubling, deliberately targeting people for political reasons.) Just this week, an incredible investigation by USA Today reporter Brad Heath demonstrated just how this plays out in the real world: The nation’s top gun-enforcement agency overwhelmingly targeted racial and ethnic minorities as it expanded its use of controversial drug sting operations, a USA TODAY investigation shows. The Bureau of Alcohol, Tobacco, Firearms and Explosives has more than quadrupled its use of those stings during the past decade, quietly making them a central part of its attempts to combat gun crime. The operations are designed to produce long prison sentences for suspects enticed by the promise of pocketing as much as $100,000 for robbing a drug stash house that does not actually exist. At least 91% of the people agents have locked up using those stings were racial or ethnic minorities, USA TODAY found after reviewing court files and prison records from across the United States. Nearly all were either black or Hispanic. That rate is far higher than among people arrested for big-city violent crimes, or for other federal robbery, drug and gun offenses. The ATF operations raise particular concerns because they seek to enlist suspected criminals in new crimes rather than merely solving old ones, giving agents and their underworld informants unusually wide latitude to select who will be targeted. In some cases, informants said they identified targets for the stings after simply meeting them on the street. Heath points out that a federal judge recently accused the agency of “trolling poor neighborhoods” in search of patsies. In some cases, the ATF — the federal agency that exists to fight gun crime — actually supplied its targets with the guns the agents would then arrest them for using to rob stash houses — which were also set up by the ATF. In April of last year, the Milwuakee Journal Sentinel reported that ATF agents in Milwaukee had set up a fake store front, then convinced a black man with brain damage to set up illegal gun and drug sales. They later arrested him for those crimes. At the time, the ATF told the Milwaukee Journal-Sentinel that the sting was an isolated incident. It wasn’t. The paper later discovered similar sting operations targeting minorities and mentally disabled people all over the country. In the 1990s, gun rights activists accused the ATF of explicitly targeting people for their advocacy (with plenty of evidence to back their claims), often with violent and destructive raids on their homes. You needn’t be a Second Amendment purist to understand the implications of using the discretion that comes with enforcing victimless crimes to target people for their political views, any more than you need to be a racial justice activist to understand the injustice of using the same discretion and the same laws to primarily target people of color, people whose mental capacity makes them particularly susceptible to persuasion, or people who lack the clout or resources to defend themselves. One could argue that the gun laws don’t need to be enforced in a racially discriminatory manner or in the catastrophically inept manner we’ve seen at the ATF. But you enforce the gun laws with the institutions you have, not the institutions you want. If we’re going to enforce gun laws that require discretion on the part of investigators and prosecutors — and add new laws to boot — we can only consider the demonstrated history of how investigators and prosecutors have used that discretion, not some idealized prosecutor or ATF investigator that we’d want to be in charge. Discretion is a a big factor in the Allen case, too. According to Nappen, Atlantic County Prosecutor Jim McClain could have put Allen in a diversionary program for first-time offenders of victimless crimes that would have allowed her to avoid jail time. He didn’t. “Let’s remember, Shaneen Allen volunteered to the police officer that she had a gun and a permit,” Nappen says. “This isn’t something she was trying to hide. She didn’t think she’d done anything wrong. This was a victimless crime, and it’s just unconscionable that they’re putting her and her family through all of this. It could all be avoided.” Nappen says McClain has yet to give a reason for refusing to allow Allen into the diversionary program. McClain’s office did not respond to a request for comment. The ATF is of course a federal agency. Shaneen Allen was arrested under New Jersey law. Nappen says he doesn’t know of any demographic data on gun arrests and prosecutions in New Jersey, but it’s an area of law in which he specializes, and he says by his estimate, the state figures probably mirror the federal data. “The institutional racism in our gun control laws is rampant. It goes back to the post Civil War era, when the laws were passed to keep black people and American Indians from arming themselves.” Nappen adds that the national gun control laws passed in the late 1960s were in response to racial riots taking place across the country. It’s a sentiment echoed by the progressive author and investigative reporter Robert Sherrill, who conceded in his book “The Saturday Night Special” that the laws were more about “black control” than gun control, and more recently in Nicholas Johnson’s just-published book, “Negroes and the Gun.” It’s also worth noting that the crime control policy most well-known, widely loathed and roundly condemned by racial justice activists — the New York Police Department’s stop-and-frisk policy — is at heart a gun control initiative. Its most high-profile champion is former mayor Michael Bloomberg, also a high-profile proponent of gun control laws like those in New Jersey. Of course, none of this necessarily means that gun control advocates are wrong. It’s certainly possible that despite these flaws, a more robust system of gun control in the United States could net more good than harm. But make no mistake, more gun laws and more enforcement of victimless gun crimes will mean more people in prison. Those new prisoners will be disproportionately black and Hispanic. These realities need to be part of the discussion. As for Shaneen Allen, Nappen says he is still hoping that McClain has a change of heart and allows her to enter the diversion program. If not, they will go to trial. Nappen says Allen is also protected by an amnesty period passed into law that allowed gun owners to surrender their weapons from August 2013 to February 2014 without fear of punishment. Whether Allen technically “surrendered” her weapon is a legal question. But if she is denied that defense, she will almost certainly go to trial, and under New Jersey’s gun law, she will have no real defense. Unless her jury engages in a defiant act of nullification, she will be convicted, and her trial judge will have no choice but to sentence her to the three-year minimum. At that point, her only hope will be to appeal to the New Jersey governor for clemency or a pardon. Current New Jersey Gov. Chris Christie commuted the sentence for Brian Aitken, whom Nappen also represented. Aitken’s case inspired a lot of outrage, but it didn’t result in any change in the law. So we’re back to discretion. Discretion is a double-edged sword. Used properly, it can help avoid the unjust outcomes that will fall through the cracks when applying a uniform criminal code to a large population. But when enforcing victimless crimes, police and prosecutorial discretion can quickly become a tool of injustice, even of systematic oppression. Unless the laws like those in New Jersey are changed, people like Brian Aitken and Shaneen Allen will continue to be wholly at the mercy and discretion of police, prosecutors and governors —and thus subject to all the biases and prejudices of the people who hold those positions.

## Gockowski

Students on college campuses agree that guns on campus specifically increase difficulty for minority students

Gockowski 15, Anthony, Investigative Reporter, 12-14-2015, "KU students protest campus carry to protect LGBT, people of color," Campus Reform, http://www.campusreform.org/?ID=7088, accessed 1-17-2016. NP

Students at the University of Kansas are protesting campus carry after hundreds of students and faculty attended a forum last Tuesday to discuss a change in Kansas law that will allow guns on campus. Universities in Kansas are currently subject to the Personal and Family Protection Act, which permits concealed carry in the state of Kansas. An amendment to the act allotted public colleges with a four-year grace period from the law so university administrations could determine how the law would be implemented on campus by July 1, 2017. “By show of hands, how many of you feel safer having the no guns signs on the doors?” Tweet This Over 100 students attended Tuesday’s “Guns on Campus” forum to discuss the change and voice their concerns “The presence of firearms in our classrooms completely changes the nature of our job and what we’re trying to accomplish at a university,” University of Kansas graduate student and Co-President of the Kansas Coalition for a Gun Free Campus Meagen Youngdahl said. After the forum, the Kansas Coalition for a Gun Free Campus created a petition to protest campus carry to Kansas legislators and Gov. Sam Brownback (R). In the petition, members of the coalition argue that guns on campus pose a serious threat to the LGBT community and people of color. “Students, faculty, and staff of color will be disproportionately affected and will be especially vulnerable. The LGBT community, people with disabilities, and other underrepresented groups will also be disproportionately affected,” the petition states. Students in support of the petition are arguing that guns on campus will also increase the number of student and faculty suicide attempts. “There will be a greater risk of successful suicide attempts, especially in student dormitories and private offices,” the petition confirms. The petition received 677 signatures over the weekend, including some purporting to be from former professors and students. “I taught at the University of Kansas for four years. I loved being at KU and was sad to leave and move on to another job. However, once I heard that the concealed carry law had passed, my immediate reaction was relief at having a reason to leave, and fear for my friends and colleagues still there,” former professor Jennifer Colatosti wrote on the petition. Former student Brad Snelling expressed a similar fear and worries guns on campus will create a hostile learning environment. “As an alumnus of the University of Kansas, I am horrified that my alma mater might become an armed campus. This is a horrible idea which would destroy what, for many of us, was a special, peaceful place of learning,” Snelling wrote. Some students, however, showed up to Tuesday’s forum to support guns on campus and defend their Second Amendment rights. One student challenged his peers to defend their opposition to campus carry. “By show of hands, how many of you feel safer having the no guns signs on the doors?” the student asked his peers. “How many of you would keep that same sign in your doorway or in your front yard at home?” A large number of students and faculty members in attendance raised their hands. “Can you explain why?” he added. “Because guns kill people!” one student shouted. “I mean, I’d rather not have guns in my home. I mean, if you look at the data, having a firearm in your home when someone breaks in will actually make you more likely to die in that situation,” another student said. Under current legislation, public universities may remain gun-free only if they place security systems at each entryway of every building or security guards at all building entrances on campus.

## Ross

#### Guns on campus are a tool of privilege that marginalize students of color on campus

Schallhorn and Bonham 15 quotes Brown. Kaitlyn Schallhorn and Caleb Bonham, Campus Reform Reporter, 3-3-2015, "AUDIO: Student gov't attacks campus carry advocate, blasts him as 'homophobic' and 'racist'," Campus Reform, http://www.campusreform.org/?ID=6322, accessed 1-17-2016. NP.

A student at Kalamazoo College has been attacked and labeled “homophobic” and "racist" by student government representatives because he wanted to facilitate a discussion about campus carry. In an audio recording exclusively obtained by Campus Reform, students at a Student Commission meeting—K-College’s student government—interrupted Alexander Ross, a sophomore political science major, as he requested that the students engage in a conversation about campus carry, a request he had been asking the Commission for five straight weeks. “I will not advocate for you to get a gun to shoot me because you feel scared in the middle of the night when you see me in my black hoodie.” Tweet This During the public comment portion of the meeting, Ross addressed the Commission's refusal to discuss issues outside of its ideology. Despite being interrupted several times, Ross encouraged the Commission to stop automatically saying “no” to students’ requests and be more open to other viewpoints. "I've been here for five weeks and I've talked to two of you" Ross told the Commission, which according to its website, has over 23 commissioners. "Sorry, I'm gonna have to interrupt you because you as a white male talking to me," protested an unidentified member of the Commission midway through Ross's remarks. "Seek out people who think differently than you instead of shutting them down as wrong," Ross responded. "It's extremely childish to call me names," he said, but the name calling had just begun. After his allotted time expired, Ross and his pro-Second Amendment advocacy, were berated by the Kalamazoo student government. Another student commissioner at K-College, said Ross was “disrespecting” people on the Commission as he was “talking to [another student] like that as a person of color when you’re coming from a white male privilege stance in life.” “And what’s interesting right now is that you actually can’t respond to me because your time is up**,” a student identified as Vice President of the Commission Rian Brown said at the meeting**. “And I know that’s going to be hard for you because you come from a place of such privilege that you felt it was okay to disrespect people of color in this room.” Members accused Ross of "racism," "homophobia," and "sexism," and some even went so far as to accuse Ross's pro-Second Amendment position of desiring to kill students in black hoodies. “I’m going to be honest with you, Alex. I never advocated for you. I never would have,” Brown said. “I would never represent you because, I couldn’t because, you directly conflict with my life. Period." “For anyone on this Commission to represent you would be to represent racism, sexism, homophobia,” Brown said. “And clearly you just spent two hours of your time listening that this body would like to be an anti-racist institution. So what you seek should not come from here. At least not this body with these people.” “There will be no resolution written for your racism,” she continued. “It won’t happen. No one will support you. If you want to do this, whatever you call yourself, disrespecting, burning bridges, having no reason to create open dialogue, you’re going to continue to be the lone ranger, who from my perspective is threatened by black and brown people. So no**. I will not advocate for you to get a gun to shoot me because you feel scared in the middle of the night when you see me in my black hoodie.** I will not. I would not.” According to MLive, Brown, a junior, resigned from her position later in the week and started a #UnsafeatK Twitter campaign, claiming that the private liberal arts school doesn’t do enough to protect minority students on the Michigan campus who feel threatened. The right to bear concealed weapons is MORALLY wrong esp. on a COLLEGE CAMPUS. Why is that hard to understand? #unsafeatK — Valerie Alagon (@valraegon) February 26, 2015 Brown accused Ross of “flashing a holster” and threatening students. Ross told Campus Reform that he subsequently had his dorm room and car searched by security. “Like, understand the violence that occurs against our bodies when we have to hear our peers say things like ‘he wants to hold guns on campus,'” Brown said during Monday’s meeting. “Understand the triggering that that means for, like, students of color that have to sit at this table and hold a straight face, to hear that.” Besides allegedly feeling threatened by Ross’s pro-Second Amendment stance, Brown said “black and brown bodies” at K-College feel marginalized and unsafe at the school as their request for an intercultural center on campus has been denied, according to MLive. Ross told Campus Reform that he had been deemed a racist by his peers in the past because of his support of allowing those with appropriate permits to conceal carry on campus, but never to this extent. “I don’t know why they’re calling me racist, or a sexist, or a homophobe because none of those things have anything to deal with what I’m asking them to do,” he told Campus Reform, adding that his peers’ behavior at the meeting was “childish.” K-College hosted a meeting Wednesday night about minority student safety that drew more than 100 people. According to MLive, the meeting, which lasted more than one hour, was closed to the media. According to K-College’s website, the illegal or unauthorized possession of firearms is prohibited from campus. Students are also prohibited from using weapons “in a manner that harms, threatens, or causes fear to others is prohibited.”

## Gordon

#### Expansion of right to carry guns on campus puts black populations particularly at risk, leaving Blacks susceptible to violence, without being granted the right to defend themselves

Gordon et al 15 explains the situation at UT. Dr. Edmund T. Gordon and The Faculty Of Aads, 10-26-2015, "Warfield Center for African and African American Studies on Campus Carry," Gun Free UT, http://gunfreeut.org/warfield-center/, accessed 1-17-2016. NP.

In this country, which devalues black life as one of its founding principles, the expansion of citizens’ rights to bear firearms facilitates the violent deaths of Blacks. Accordingly, the faculty of the John L. Warfield Center for African and African American Studies stands with African and African Diaspora Studies Department (AADS) in opposing the implementation of Texas SB11. This law will allow the more than 800,000 Texas Concealed Handgun License holders to carry their concealed weapons into buildings on our campus. Allowing firearms on campus places UT’s Black population in a particularly vulnerable position. Many of us are concentrated spatially, politically, and intellectually in Black Studies. Ours is a particularly controversial discipline that deals with provocative themes such as anti- blackness, white supremacy, patriarchy, homophobia, economic oppression, and crosscutting differences and power. Black Studies grapples with these issues and the Black experience in general as a part of scholarly endeavors that aim to promote social justice and equity. Educational exchanges around such subject matter are often highly charged, difficult, and consequential. It is not uncommon for Warfield Center faculty to be the object of documented threats and harassment in our offices and lecture halls. The presence of firearms will not only stifle the free exchange of ideas [and] but can be the basis for deadly violence against us in these often fraught settings. Moreover, African Americans are disproportionality affected by the saturation of our society by firearms. According to the Centers for Disease Control and Prevention the death rate due to gun violence for Blacks is more than twice that of whites. Vigilante and extra-judicial killings of Black people, as well as the police-involved shootings that saturate our news coverage and our daily lives, point to the distinctly vulnerable position of Black people when it comes to firearm violence. Applied to our situation here at UT, in the presence of firearms the probability that bullets will find us is higher than for any other campus population. At the same time, racial bias functionally excludes Black people from accessing the rights afforded by campus carry legislation, as we would be more likely than our white counterparts to be perceived as actionable threats by fellow citizens and police officers alike. When it comes to Black lives and the matter of guns on campus, the State and the University have a responsibility to protect and defend those who are most vulnerable. Therefore, we demand that firearms be banned in all spaces occupied by Black people on our campus. We stand in solidarity with other groups on our campus who are often impacted by firearms and other forms of violence, particularly members of the University’s LGBTQ community, other people of color, and all women. Accordingly, we would join with them in any request that guns be completely banned from the UT campus. Near Unanimous Endorsement by Faculty of John L. Warfield Center for African and African American Studies

## F

Goodmark 11, Leigh. October 20, 10-20-2011, "Domestic violence: Legal system fails abused women," tribunedigital-baltimoresun, http://articles.baltimoresun.com/2011-10-20/news/bs-ed-domestic-violence-20111020\_1\_violence-statute-domestic-violence-dixie-shanahan, accessed 1-17-2016

After learning that Topeka, Kan., District Attorney Chad Taylor planned to stop prosecuting misdemeanor domestic violence cases in response to county budget cuts, the Topeka City Council this month repealed its misdemeanor domestic violence statute — effectively decriminalizing some domestic violence offenses in Topeka. Abuse survivor Claudine Dombrowski responded to the city's action by hurling a pair of dice at the City Council, arguing that they were rolling the dice with women's lives. Relying on the criminal justice system to keep women safe from domestic violence may, however, be an even bigger gamble. The decision to decriminalize domestic violence in response to budgetary shortfalls sends a horrible message to women subjected to abuse — that the state is not particularly concerned about their safety or the punishment of their abusers. It is hardly surprising that women like Ms. Dombrowski are outraged at the state's seeming callousness toward their plight. In response to the public outcry, Mr. Taylor has since announced that he will resume prosecution; the city has pledged to help him seek additional funding. But this incident provides us with an opportunity to think about how well the legal response to [ipv] domestic violence is achieving its goals of keeping women safe and holding men who abuse accountable for their actions. Despite the dedication of millions of federal dollars to police, prosecutors and judges since the passage of the Violence Against Women Act in 1994, rates of domestic violence in the United States have not appreciably declined, instead keeping pace with decreases in the crime rate generally. Studies suggest that relatively few women report [IPV] domestic violence to police; that most of those arrested for domestic violence are not convicted; and that when abusers are convicted, jail time is rare and minimal. Sociologist Evan Stark has argued that the odds of serving jail time for domestic violence are only slightly better than the odds of winning the lottery. There is no proof that prosecution deters abusers. The story of Dixie Shanahan illustrates the failure of the criminal justice system to deter abusive behavior. Residents of Defiance, Iowa, were aware that Scott Shanahan regularly and brutally abused his wife. Mr. Shanahan was convicted of misdemeanor domestic violence after punching Ms. Shanahan, and he served two days in jail. Undeterred, three months later, Mr. Shanahan was convicted of another assault and served four days in jail. After his release, Scott Shanahan redoubled his abuse — so much so, that when he was arrested and charged with felony domestic violence, Dixie Shanahan fled rather than testify against him. His abuse did not end until Dixie Shanahan fatally shot her husband to prevent him from killing her and their unborn child. She is serving a sentence of 10 years to life in prison. The criminal justice system undoubtedly meets the needs of some women; successful prosecutions do happen. Some abusers are sent to jail, and some stop their abuse, particularly when they are closely monitored following their release. But for women, the costs of engagement with the criminal justice system can be high: exposure to increased danger at the hands of abusers and, more problematic, the potential for violence from the state. Women who express reluctance to testify against their abusers are sometimes threatened with arrest if they fail to participate in prosecution; some are even told that the state will remove their children if they fail to appear for trial. Some women of color are understandably reluctant to increase the reach of the criminal justice system into their families and communities. Undocumented immigrant women who reach out to the criminal justice system for assistance have sometimes found themselves targeted for deportation instead. Criminal justice system reform could solve some of these problems. But the time has come to broaden our thinking about how best to address domestic violence. For too long, the legal system has been the default response to domestic violence in the United States. Such a narrowly crafted response denies justice to women who are unable or unwilling to engage that system. Criminal prosecution cannot heal the injuries that some women experience. A small but growing voice is coalescing around the idea that criminal justice intervention is not the best way to prevent and respond to domestic violence. Abused women and their advocates are searching for ways to achieve justice without invoking the criminal justice system. Community accountability projects enable women to craft their own responses to domestic violence — responses that give them the validation and vindication they seek. Asian and Pacific Islander groups in the United States have used public shaming to expose men's abuse of their partners, picketing the homes of abusive men in the hope of developing community support for women subjected to abuse. Other programs focus on changing men's behavior, using male peer facilitators to help men develop empathy for their partners and confront others engaging in abusive behavior. These efforts have the potential to create real change in men who abuse — change that the criminal justice system has yet to deliver. Abused women in Topeka understandably feel forsaken by the city's decision to abandon misdemeanor prosecution of domestic violence cases. But the criminal justice response to domestic violence is both ineffective and highly problematic. Criminal prosecution is, for many women, a false promise. Crises like the one in Topeka provide us with an opportunity to think about how we might serve those women better.

Goodmark 15, Leigh. 3-9-15. HANDS UP AT HOME: MILITARIZED MASCULINITY AND POLICE OFFICERS WHO COMMIT INTIMATE PARTNER ABUSE (Professor of Law, University of Maryland Francis King Carey School of Law. Thanks to Julie Goldscheid, Deborah Weissman, and the participants at CONVERGE! Re-Imagining the Movement to End Gender Based Violence for their feedback, and to Kate DeNobile for her research assistance.) HANDS UP AT HOME: MILITARIZED MASCULINITY AND POLICE OFFICERS WHO COMMIT INTIMATE PARTNER ABUSE. digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2519&context=fac\_pubs. NP 1/14/16.

The scant social science research that does exist on intimate partner abuse by police officers might have given the responding officers in the Diggs case further reason for caution. Studies suggest that police officers are more likely than others to commit intimate partner abuse.19 Large numbers of officers report knowing someone in their department who has committed intimate partner abuse; 20 the partners of officers report higher than average rates of physical and verbal abuse.21 A recent United States Department of Justice investigation of the Puerto Rico Police Department found that between 2005 and 2010, the Department received 1459 civilian complaints alleging domestic violence by officers.22 Ninety-eight officers were arrested more than once on domestic violence charges between 2007 and 2010; many of those officers remained employed by the Puerto Rico Police Department.23 Three Puerto Rico Police Department officers shot their spouses in 2010.24 The deaths of Michael Brown25 and Eric Garner26 and the almost daily news stories about abusive and violent police conduct27 are currently prompting questions about the appropriate use of force by police officers. And the history of police brutality directed towards women, particularly women of color, transwomen, and lesbians, has been well-documented. As Andrea Ritchie writes, “[W]omen and girls, and particularly women of color, are sexually assaulted, raped, brutally strip-searched, beaten, shot, and killed by law enforcement agents with alarming frequency . . . .”28 Most of that literature captures the violence that police do in their public capacity, as officers of the state. This article examines the violence and abuse perpetrated by police in their private lives, against their intimate partners, although the public and private overlap significantly to the extent that the power and training provided to police officers by the state makes them significantly more dangerous as abusers.29 The article argues that intimate partner abuse by police officers is a systemic, structural problem created and fueled by the ways in which police officers are socialized and instructed. The state has a serious stake in this conversation, not only because it trains and arms abusers, but because it depends upon these same abusers to enforce the very laws that they are violating in their own relationships. The U.S. response to intimate partner abuse relies heavily on the criminal justice system to enforce domestic violence laws; this article asks whether criminalization can be a successful policy response to domestic violence when police officers are disproportionately committing intimate partner abuse.

Independent investigations of police departments have also unearthed significant evidence of intimate partner abuse among police officers. In 1997, after the media reported that the Los Angeles Police Department (LAPD) failed to seriously address cases of intimate partner abuse by its officers, the LAPD’s Inspector General reported that the Department’s handling of those cases was problematic at best.40 Two hundred twentyseven cases of intimate partner abuse by officers were reported to the LAPD between 1990 and 1997.41 Many of the investigations involved the same officers; thirty officers were responsible for 71 (31%) of the 227 matters investigated.42 Moreover, repeat offenders accounted for almost one-third of the allegations of abuse that were sustained.43 The Inspector General’s report states that “many of the investigations [of those cases] lacked objectivity or were otherwise flawed or skewed.”44 Allegations of intimate partner abuse were not factored into officers’ evaluations or considered when they sought promotions, even when the reports were substantiated. A supervisor praised an LAPD officer who was suspended for grabbing a woman by the hair, pushing her to the ground and punching her with a closed fist for having “consistently displayed a calm and professional demeanor even when dealing with the most highly agitated and stressful situations.”45 Another officer, described by supervisors as “problem-free,” received a fifteen-day suspension for slapping his wife.46 About 30% of the officers who had been the subject of complaints were promoted notwithstanding those allegations.47 When officers were punished for their actions, those punishments were minor. An officer who, driving after drinking, was involved in a hit-and-run accident hit his wife and broke her nose while he attempted to push his car away from the scene. “Despite being drunk in public, assaulting his wife, fleeing an accident scene and failing to have his car insured,” the officer was suspended for just ten days.48 Although the LAPD substantiated the claims of abuse in about 40% of the cases, criminal charges were filed in very few, even when the officers were repeatedly abusive.49 One officer who received an official reprimand after the LAPD found that he had raped his girlfriend was again reprimanded later that same year after the department found that he had “insert[ed] a 9-millimeter handgun into [his]girlfriend’s vagina without her consent.”50 The officer was not criminally charged for either incident.51 More recent investigations by the United States Department of Justice confirm that intimate partner abuse remains a serious problem in police families. In its 2011 report on the Puerto Rico Police Department, the Department of Justice wrote, “Domestic violence infects the ranks of PRPD and interferes with the ability of PRPD to provide police services in a constitutional manner.”52 Between 2005 and 2010, 1459 civilians alleged that officers committed intimate partner abuse.53 “Disciplinary or corrective action” was recommended in 1018 of those cases.54 Between 2007 and 2010, 98 officers were arrested more than once on charges involving intimate partner abuse; 84 of those officers, including commanders, were still on active duty in 2011 when the Department of Justice investigation was completed,55 notwithstanding a finding by the Puerto Rico Supreme Court that engaging in intimate partner abuse is inconsistent with the ability to carry out one’s duties as a police officer.56 Three PRPD officers shot their partners or former partners before killing themselves in 2010; one of the officers, Heriberto Rivera Hernández, was under electronic monitoring stemming from previous domestic violence and weapons charges at the time he murdered his ex-wife.57 Although the PRPD had reportedly dismissed Rivera Hernández and confiscated his service weapon at the time of his initial arrest, Rivera Hernández used a PRPD firearm to kill his ex-wife.58

Unlike other victims of violent crime, battered women are often viewed by the police, the prosecutor, judges, jurors and probation/parole staff as responsible for the crimes committed against them; responsible either because battered women are believed to "provoke" the perpetrator into violence or because they are believed to have the power to avoid the criminal assault through accommodating the perpetrator's demands. Other victims of violent crime are not seen as culpable for the crimes inflicted upon them, but battered women frequently report that criminal justice system personnel appear to consider them "unworthy victims" who are clogging up the courts with unimportant family matters. Some, therefore, impose barriers to a battered woman's use of the criminal justice system. Police fail to arrest or file incident reports. Prosecutors delay charging, require substantial corroboration, acquiesce in repeated continuances, or impose fees upon the victim (Ford, 1991). The reluctance of the criminal justice system to vigorously proceed with domestic violence cases quickly erodes victim confidence in the system's alliance with the victim. Even though justice system actors may eschew victim-blaming attitudes, criminal process may be confounded by similar attitudes embraced by either the defendant or the battered woman, herself. Uniformly, the perpetrator of domestic violence blames the victim for his conduct, claiming that she provoked him so profoundly that his crimes are excusable, if not justifiable. Batterers often persuade battered women of the correctness of this perspective. Beyond this, the battered woman may also blame herself, feeling she should have been smarter and figured out a way to prevent the violence or she should have been more courageous and found a way to safely leave the relationship. This self-blame may go as far as believing that it is not fair to arrest and prosecute the perpetrator.

## Geen

#### People are willing to commit violence just because authorities tell them to.

Geen 1, Russel G. HUMAN AGGRESSION. https://www.mheducation.co.uk/openup/chapters/0335204716.pdf OPEN UNIVERSITY PRESS Buckingham • Philadelphia. 2001. NP 1/4/16.

Behaviour need not have a strong emotional basis to be aggressive, however. People often attack others with intent to harm but without necessarily feeling any malice towards them; the aggression is simply a means to some other end. One such end is self-defence, which most courts of law recognize as a valid justification for acts of violence. Aggressive military action is usually carried out for control of territory or to dissuade the enemy from attacking one’s own troops. Another type of instrumental aggression is the attempt to establish coercive power over others through violence or the threat of violence (Tedeschi and Felson 1994), Finally, in one of the most widely cited research studies in recent times, Milgram (1963) showed that people were capable of committing acts of violence against other human beings simply in obedience to commands from a person with authority. It must be noted that the distinction between affective and instrumental aggression is not a rigorous one. The two kinds of aggression are not mutually exclusive, and some acts of aggression have both affective and instrumental properties. For example, a mother who becomes exasperated at her child’s behaviour and uses corporal punishment may be motivated to modify the child’s behaviour (an instrumental use of aggression) while still reacting to that behaviour with anger. For purposes of understanding her behaviour, one must determine which of the two categories describes her principal motivational state and analyse the relevant variables accordingly

## Defillipis and Hughes

#### Loopholes in STATE, not federal laws are the problem

Defilippis and Hughes 16. Evan Defilippis and Devin Hughes, 1-19-2016, (Evan DeFilippis writes on public health and gun violence at [the Atlantic](http://www.theatlantic.com/national/archive/2014/02/having-a-gun-in-the-house-doesnt-make-a-woman-safer/284022/" \t "_blank), [Huffington Post](http://www.huffingtonpost.com/evan-defilippis/" \t "_blank),[Boston Review](http://www.bostonreview.net/us/evan-defilippis-guns-schools-nra-ucsb" \t "_blank), and [ArmedWithReason](http://www.armedwithreason.com/" \t "_blank). Devin Hughes is the founder of Hughes Capital Management) "4 Important Gun Loopholes Obama’s Executive Actions Do Not (and Cannot) Address," Trace, http://www.thetrace.org/2016/01/obama-executive-actions-loopholes/, accessed 1-22-2016. NP.

Two weeks ago President Obama rolled out a host of executive actions designed to curb gun violence. His proposals aimed to more clearly define who is in the business of selling guns, and to bolster the FBI and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) so those agencies can more rigorously enforce gun laws. The actions drew outrage from critics on the right, who simultaneously blasted Obama for doing little of consequence and massive constitutional overreach. But the back and forth over the president’s executive actions obscures a crucial reality of policies to prevent gun violence: many of the most egregious loopholes and weaknesses in gun regulations appear **not in federal laws** — which the president’s actions target — **but** rather at the state and local level. Absent corresponding reforms from capitol buildings and city halls, many of the factors that shape everyday gun violence will remain unchanged, as the following examples illustrate: Many domestic abusers wind up keeping their guns Under current federal law, domestic abusers are disqualified from owning firearms. Expanding on that foundation, two-thirds of states have their own statutes prohibiting gun possession by persons subject to domestic violence protective orders. Twelve states add additional restrictions, explicitly barring those convicted of a domestic violence misdemeanor from firearm ownership. These laws address a disconcerting reality: the presence of firearms drastically increases the lethality of abuse. An 11-city, case-control study found that “abusers who possess guns tend to inflict the most severe abuse.” The problem is, these restrictions are often poorly enforced. In some states, offenders are rarely informed that, because they are now “prohibited buyers,” they need to surrender firearms they already have. In Maryland, the nonprofit group Court Watch Montgomery released a report that found that out of 126 disqualified offenders, only one had learned that he could no longer possess a firearm. What’s more, there is no clear process in place to reclaim illegally-owned firearms from domestic abusers. This means that criminals perpetrating [intimate partner abuse] domestic violence most [are] likely retain any firearms they already own, making future domestic violence situations far more likely to turn lethal. As the Court Watch report points out, “For most victims, domestic violence is not one act, but a series of on-going incidents.” States rely on an honor system to disarm felons Federal law states that if you are a felon, you cannot buy a gun, nor can you hold onto a previously purchased firearm. Some states expand this definition to include some misdemeanors and other offenders. However, once a prohibited person is informed that they no longer have the right to possess a firearm, there is little meaningful follow-up at the state level. Indeed, in the vast majority of states, there is no mechanism through which law enforcement can repossess previously purchased firearms from felons. Instead, felons are expected to voluntarily hand over their guns to the authorities, or face new charges if they are caught with a firearm in the future. In other words, states essentially rely on an honor system to ensure that these criminals are disarmed. California is the only state that makes a concerted effort to verify that felons and other prohibited persons do actually surrender their firearms, though even this effort is marred by a lack of resources and budget constraints. The danger in allowing criminals to hold on to their guns is clear: felony arrests, domestic abuse, and even previous misdemeanor convictions are a major risk factor for committing future violent and firearm-related crimes. Negligent shootings go unprosecuted Data from the Centers for Disease Control and Prevention shows that between 2007 and 2011, an average of 62 children age 14 and under were accidentally shot and killed each year (and other tallies put that total at more than 100). These deaths, however, are rarely prosecuted. In effort to curb accidental shootings, 27 states have passed child access prevention (CAP) laws, which are designed to crack down on negligent adults who endanger children. But in most states with CAP laws, adults are charged with a misdemeanor rather than a felony, and so the statutes don’t serve as much of a deterrent. One statistical analysis of CAP laws found that only in Florida — one of three states that allow felony prosecution of CAP violators — was there a significant decrease in unintentional firearm deaths of children following the passage of the rule. As a result, even particularly egregious cases of endangerment are brushed off as random tragedies. Amanda Gailey in the New Republic highlighted several cases that never resulted in criminal charges: In Washington, a man “practiced drawing a loaded handgun and unintentionally shot and killed his girlfriend’s daughter,” and a New Mexico man “handed a loaded rifle to his six-year-old daughter, who unintentionally shot her sister in the neck.”

## Defillipis and Hughes – College

Campus-carry supporters lean on a few broader gun rights arguments to push their case for fewer restrictions on firearms. In Michigan, for instance, pro-gun researcher John Lott, testifying at a committee hearing on campus carry, repeated his thoroughly discredited argument that mass murderers target gun-free zones, including colleges and universities that ban firearms on campus. At a Florida hearing on campus carry, criminologist Gary Kleck continued to peddle his debunked claim that defensive gun use “is both frequent and effective” and that armed students would therefore be equipped to ward off criminals. A lawsuit challenging the University of Missouri’s ban on concealed carry falsely argues that concealed carry reduces crime and makes the misguided assertion that banning firearms on campus endangers law-abiding citizens because criminals don’t follow laws and will carry guns anyway.

But along with those familiar talking points, campus-carry advocates have increasingly focused on two arguments in particular: that more firearms on campus could not only stop massacres like the 2007 mass shooting at Virginia Tech, but also prevent sexual assaults. Just like their other claims, though, these two tenets are fatally flawed — and ignore the risks that come with allowing students and faculty to carry guns on school grounds.

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SUBMIT

Guns Don’t Stop Sexual Assaults

The argument that campus carry would be an effective deterrent to sexual assault has been summarized memorably by Marion Hammer, a former president of the NRA, who stated that banning guns on campus provides “a sanctuary where criminals can rape and commit mass murder without fear of resistance.” She went on to claim that opponents of a campus carry bill in Florida were “engaging in a war against women.”

Good guys with guns aren’t deterring crimes on campus

But the numbers tell a different story. A recent study by David Hemenway of Harvard examined data from the National Crime Victimization Survey (NCVS) and found that women almost never successfully fend off a would-be rapist with a firearm. Of the more than 300 cases of sexual assault in the NCVS data from 2007-11, not one was stopped by a firearm. A similar study examining NCVS data from 1992-2001 turned up only one case of defensive gun use out of 1,119 reported sexual assaults in the survey.

One examination of data from the Clery Act, which compiles information about crimes committed on or near college campuses, found that in Utah and Colorado crime rates actually increased in each state after campus carry was enacted. The study shows that, since carry legislation passed in Colorado, the rate of forcible rape increased by 25 percent in 2012 and 36 percent in 2013. In Utah, campus rape increased nearly 50 percent between 2012 and 2013. By contrast, sexual assaults nationwide have been decreasing each year by approximately 3 percent. To be sure, this data doesn’t prove that allowing guns at universities and colleges in Utah and Colorado caused those crime increases. But it does refute the idea that more good guys and gals with guns are deterring sexual criminals on campus.

The tactic of using rape victims to justify pushing for guns on campus has been strongly denounced by several organizations dedicated to helping sexual assault survivors. John Foubert, the president of One in Four, told the New York Times that campus-carry advocates’ argument “reflects a misunderstanding of sexual assaults in general… **If you have a rape situation, usually it starts with some sort of consensual behavior, and by the time it switches to nonconsensual, it would be nearly impossible to run for a gun.”**

What’s more, **gun advocates overlook that allowing guns on campus would** also potentially **make it easier for the perpetrators of sexual assaults to be armed. “If my rapist had a gun at school,”** **a sexual assault survivor** and activist for Know Your IX has **said**, “I have no **doubt I would be dead.”**

Good Guys with Guns Rarely Stop Bad Guys with Guns

Gun advocates routinely argue that mass shooters are fixated on maximizing casualties, and thus target areas where they’re least likely to encounter armed resistance. By this logic, so-called gun-free zones are ripe targets for mayhem. GOP presidential candidate Donald Trump circuitously summarized this theory in the most recent Republican debate: “I feel that the gun-free zones… [are] target practice for the sickos and for the mentally ill.” The only way to stop this “feeding frenzy,” according to campus-carry advocates, is to make sure there are plenty of armed students and teachers to stop any bad guys with guns.

Yet the existing research shows that this faith in good guys with guns is misplaced. An FBI report detailing 160 active shooting incidents from 2000-2013 found that only one incident was stopped by a concealed carry permit holder, and he happened to be a Marine. (Four others were stopped by armed guards, and two more by off-duty police officers.) By comparison, 21 active shooters were stopped by unarmed citizens — good guys without guns. In several cases, a good guy with a gun has attempted to intervene and either been killed, injured, or nearly shot the wrong person.

Gun advocates might argue that the reason so few concealed carriers have intervened in active shootings comes down to bad luck: They just haven’t been in the right place at the right time; had they been, then surely more mass shootings would have been prevented. This line of argument is refuted by multiple controlled experiments designed to test how good guys with guns fare in dangerous situations. One of these analyses came from an independent study commissioned by the National Gun Victims Action Council (NGVAC). The study analyzed 77 participants of varying skill levels who went through three different self-defense scenarios. The results were harrowing. In the first scenario, 7 of the 77 participants shot an innocent bystander, and overall, in scenarios one and two, most of the participants, regardless of skill level, were killed. In the third scenario, where the suspect was not a threat, 23 percent of the participants fired anyway. As the NGVAC points out, none of the participants came close to the accuracy or judgement required to stop an active shooter or a criminal.

Their dismal performance doesn’t come as a surprise to security and tactical experts, who in a recent article in The Nation warned that during an active shooting, an armed civilian without extensive training posed a greater security risk than a benefit. As David Chipman, a former ATF agent and member of a SWAT team, explained: “Training for a potentially deadly encounter meant, at a minimum, qualifying four times a year throughout my 25-year career. And this wasn’t just shooting paper — it meant doing extensive tactical exercises. And when I was on the SWAT team we had to undergo monthly tactical training.” This is a far cry from the four hours of classwork and paper target shooting practice required to get a concealed carry license in Florida and Texas, for instance. “The notion,“ Chipman said, “that you have a seal of approval just because you’re not a criminal — that you walk into a gun store and you’re ready for game-day — is ridiculous.”

More Guns Mean More Fatal Accidents

Campus-carry proponents frequently downplay the risk of accidental shootings, pointing out their scarcity at colleges that already allow firearms and arguing that proper training can mitigate any dangers. But several accidents have occurred over the past several years at schools with campus carry — and they are accidents that almost certainly would not have occurred had concealed carry not been permitted on school grounds:

On January 4th, 2012, a student at Weber State University in Utah was carrying a handgun in his pocket when it accidentally discharged, wounding him in the leg.

On November 9th, 2012, an employee at the University of Denver dental school was showing her handgun to some colleagues when she accidentally fired it while trying to unjam it.

On May 3rd, 2013, a student at the University of Southern Mississippi accidentally shot himself while sitting in a car on campus.

On September 3rd, 2014, a professor at Idaho State University accidentally shot himself in the foot in the middle of class. Idaho had allowed campus carry only two months before.

Even among highly trained professionals, gun accidents occur with startling frequency. For instance, in the US military, from 2003-11, more than 90 soldiers died from negligent discharges. And this number doesn’t include an unknown number of injuries from such accidents. One academic study examined the British Armed Forces from 2003-07, and found 1,158 unintentional firearm discharges, of which 43 resulted in injury. This translated to an unintentional injury rate of 7.7 per 100,000 regular army soldiers per year. If accidental shootings happen that often among trained professionals whose job requires frequent handling of firearms, the average student or professor carrying a firearm would unlikely fare better.

Guns Can Turn Arguments Lethal

It is not just accidents that are exacerbated in the presence of firearms: guns can also escalate otherwise quickly forgotten disagreements into fatal encounters. That potential exists everywhere, and college property is no exception, as these incidents show.

On October 9th, a fraternity fight broke out in a Northern Arizona University parking lot. One of the participants ran to his car, grabbed his gun, and opened fire, killing one and injuring three others. The shooter was an avid gun enthusiast.

On August 26th, a heated argument in a Texas Southern University parking lot turned deadly when one of the individuals killed one person and wounded a bystander.

On January 30th, 2014, a fight erupted in an Eastern Florida State College parking lot. One of the participants grabbed a gun and injured one of his attackers. All three men involved in the incident claimed they were acting in self defense.

On January 22nd, 2013, an argument described as “idiocy” and “stupidity” escalated into a fight on the Lone Star College campus. One of the men pulled a gun and injured the other combatant, and also wounded a nearby maintenance worker.

Further compounding the risk of arguments turning deadly are findings indicating that the college students most likely to carry firearms in public may be predisposed to detrimental behavior. A 2002 study by David Hemenway found that having a gun at college was associated with engaging in more risky and aggressive behavior, as well as drinking heavily, which itself is a major risk factor in firearm violence. And a more recent study in 2015 determined that a significant number of firearm owners, and those who carry firearms in public, exhibit impulsive, angry behavior. This suggests that the young people who may be most apt to exercise a new permission to carry a firearm on their college campuses are a population that security experts might not be eager to see toting guns in their backpacks.

## Hemenway

#### Guns are rarely ever used to protect individuals from sexual assault, they don’t reduce chance of injury for victims, and are mainly used in response to non-violent crimes – homicide drastically outweighs

Hemenway and Solnick 15. David Hemenway a, ⁎, Sara J. Solnick b. The epidemiology of self-defense gun use: Evidence from the National Crime Victimization Surveys 2007–2011. ac.els-cdn.com/S0091743515001188/1-s2.0-S0091743515001188-main.pdf?\_tid=0b1b005a-c118-11e5-867f-00000aab0f26&acdnat=1453474651\_7adb8b280d68ae78d89356de65e70ceb. a Harvard School of Public Health, 677 Huntington Avenue, Boston, MA 02115, USA b Department of Economics, University of Vermont, 237 Old Mill, Burlington, VT, USA. 21 April 2015. Preventive Medicine 79 (2015) 22-27. NP 1/22/16. (methodology for NCVS in footnote)[[3]](#footnote-3)

Overall, our analyses of the NCVS data indicate that self-defense gun use is very rare, and victims virtually never use guns in sexual assaults. The data also indicate that self-defense gun uses are far fewer than criminal gun uses. Most self-defense gun use is by males and occurs outside the home. Half of the self-defense gun uses occur in what appear to be non-violent crimes (e.g., verbal threats). The NCVS data provide little evidence that self-defense **gun use** reduces the likelihood of victim injury during a crime. The data do suggest that using a gun may be useful at preventing property loss, but not more effective than protective action using other weapons

#### Hemenway’s methodology is best – it relies on a larger sample set, eliminates false positives, and avoids telescoping

Hemenway and Solnick 15. David Hemenway a, ⁎, Sara J. Solnick b. The epidemiology of self-defense gun use: Evidence from the National Crime Victimization Surveys 2007–2011. ac.els-cdn.com/S0091743515001188/1-s2.0-S0091743515001188-main.pdf?\_tid=0b1b005a-c118-11e5-867f-00000aab0f26&acdnat=1453474651\_7adb8b280d68ae78d89356de65e70ceb. a Harvard School of Public Health, 677 Huntington Avenue, Boston, MA 02115, USA b Department of Economics, University of Vermont, 237 Old Mill, Burlington, VT, USA. 21 April 2015. Preventive Medicine 79 (2015) 22-27. NP 1/22/16. (methodology for NCVS in footnote)[[4]](#footnote-4)

While it has limitations, the National Crime Victimization Survey has important strengths. A single NCVS is far larger than any of the one-time private (non-governmental) self-defense gun surveys ever undertaken, and we have combined data from ten surveys. The NCVS also has a much higher response rate than private surveys. In addition, the NCVS effectively eliminates the problem of telescoping of events by dropping the first household survey and on subsequent surveys asking only about events since the previous survey. Most important, it eliminates the large false-positive problem by only asking about protective actions if the respondent has first reported that a crime was attempted against [them] him or her (Hemenway, 1997a; Hemenway, 1997b; Cook et al., 1997). By contrast, private surveys typically ask first about self-defense gun use and thus allow respondents to report gun uses against suspicious characters, in scary situations or during any hostile interaction (Hemenway, 2006; McDowall et al., 2000; Cook and Ludwig, 1996). Pre-emptive strikes may be reported. The number of self-defense gun uses reported in private surveys is substantially higher than in the NCVS (McDowall et al., 2000; Ikdea et al., 1997), but narratives suggest that most of these incidents are probably gun use in escalating arguments, rather than gun use against clear criminal acts. Such gun use is typically socially undesirable and probably illegal (Hemenway and Azrael, 2000; Hemenway et al., 2000).

## Schroeder

Property rights key under Hegel

In his Philosophyof Right,20 Hegel traces the dialectic of human freedom from a starting point of the most abstractconcept of per- sonalitythroughthe creationof the individualas citizenof a highly developedstate. Propertyplaysanearlyandcrucialroleinthisdia- lectic.21The Hegelianconceptof the objectdoes not referto physi- calthingsbutincludeseverythingotherthanthemostprimitiveand abstractconcept of personality,that is, self-consciousness.22Hege- lian abstractpersonalityas self-consciousnesscan only be definedin terms of what it is not and, therefore, is pure negativity. Conse- quently, the Hegelian concept of object includes not merely con- ventional tangibles and intangibles,such as so-called intellectual property,butalsoallindividuatingcharacteristicsthatapersoncan acquire,such as personalitytraits,talents,beliefs, and our own bod- ies.23 In order to obtain the subjectivitythat will eventuallyenable the person to develop into an individualand actualizehis freedom, the abstractperson needs to objectifyhimself. Accordingto Hegelianphilosophy,subjectivityis intersubjectiv- ity mediated through objectivity: one can achieve subjectivityif and only if one is recognizedas a subjectby anotherperson whom one recognizesas a subject. Humanbeings are drivenby an erotic desireformutualrecognition.24"Propertyis... amomentinman's strugglefor recognition."25The abstractpersonalityhas no positive individuatingcharacteristicsand, therefore, cannot be recognized byothersinthisstate. Onlythroughthepossessionandenjoyment of objects does the abstract person become individualizedand thereby recognizable as a subject. Through the exchange of objects with another person - that is, through contract - one person can recognize another person as an acting subject deserving rights. And through recognition by that other person, the first person can rec- ognize herself as a subject capable of bearing rights. This legal regime with respect to the possession, enjoyment, and exchange of the object of desire is property.26 Therefore, the mo- ment of the creation of full property, to Hegel, is simultaneously also both the moment of creation of subjectivity as intersubjectivity and the moment of the creation of law as Abstract Right.27 Subjec- tivity, property, and law are mutually constituting.

These denials of the phallic physicalist concept of property co- vertly reinstate it, as reflected in the very imagery of the "bundle of sticks" - a metaphor of the sensuous, possessory, and tangible. Sticks and bundles are physical things that one can, and stereotypi-cally does, see and sensuouslygraspin one's hand. Moreover,the "bundle of sticks" analysis does not solve the metaphysical problemsthese scholarspurportto identifyin the unitary,posses- sory, tangible concept of property. It merely postpones, and therebyreplicates,the unitarytheoryandits problems. Thisbundle consistsof separatelittle phallicsticks,each a separatelittle unity with its own metaphysicalproblems. Of course, these scholarsad- dress such problemsby supposingthat each "stick"is itself a sepa- rate bundle of smallerlittle sticks,ad infinitum.This is the classic bad infinityof "turtlesall the way down."12Thatis, althoughits proponentsusuallypresentthe "bundleof sticks"metaphoras an alternativeto the "propertyas thing"metaphor,13the formeris in fact merely a variationof the latter.

## Sd

A Georgia lawmaker is introducing a bill that would allow college students to carry stun-guns on campus as a compromise to a concealed firearms legislation. Many Georgia lawmakers are pushing for legislation that would permit students to carry handguns on campus but state law currently prohibits concealed handgun license holders from exercising their rights on school grounds. Most efforts to bring guns to campus have stalled at the capitol because university presidents oppose the idea. House Bill 544, which would allow anyone to carry guns on Georgia’s public campuses, was introduced in 2015 but has not received a committee hearing. “As diligent and hardworking as campus police are, they cannot protect all the many people on campus at all time, so let those folks protect themselves.” State Representative Buzz Brockway plans to file a bill next week that would let students at least 18 years of age carry electroshock weapons on all of Georgia’s public campuses. The bill, according to Brockway, was written after he discovered students are allowed to carry pepper spray on campus but not Tasers or stun-guns. “Students told me they were not allowed to carry pepper spray with them on campus. I thought this was strange so I did some research. I found they were mistaken, and they are allowed to possess pepper spray and similar chemically based protection items. However, several of the public colleges I examined in Georgia explicitly prohibited stun-guns and Tasers on campus. So I decided to introduce a bill to change that,” Brockway told Campus Reform. Brockway added that he thinks campus police departments are not staffed well enough to account for all of the crimes on campus. “What I hear from students, faculty, and other campus employees, especially folks at colleges and universities in the city of Atlanta, is a desire to protect themselves,” he said. “As diligent and hardworking as campus police are, they cannot protect all the many people on campus at all time, so let those folks protect themselves.” Some state senators, however, have raised concerns about the safety of stun-guns. Senator Vincent Fort said Tasers in the hands of college students could lead to many accidental injuries. Brockway disagrees and thinks students who purchase stun-guns will be responsible enough to avoid injuries. “Pepper spray is allowed and we don’t see much misuse of those products on college campuses. I think the people who will choose to purchase electroshock weapons for their personal protection will act responsibly,” Brockway argued. Unlike campus carry legislation, Brockway’s bill would not require students to pass a background check before purchasing a stun-gun. “As best I can tell, there is currently no requirement in Georgia law for screening or training before purchasing Tasers, stun guns or other electroshock weapons and my bill does not require those things either,” he said.

## Barton and Sommerville

#### Toys have historically been used as tools of oppression

Barton and Somerville 12. Christopher P. Barton and Kyle Somerville. Play Things: Children's Racialized Mechanical Banks and Toys, 1880-1930. International Journal of Historical Archaeology, Vol. 16, No. 1 (March 2012), pp. 47-85. Springer. NP 1/27/16.

Abstract The reproduction of racism and class-based oppression are taught to children through various cultural media, including toys and games. Between 1880 and 1930, the popularity of racialized toys and banks were fear-based responses to the perceived encroachment by "foreign and exotic" migrations of African American, Chinese, Irish and Native Americans into the cultural landscape of white middle-class America. This article analyzes how artifacts associated with children, such as mechanical banks, clockwork figures, and other toys are part of a larger cultural structure that viewed race and class as inseparable, and that these objects were essential in the development of a learned habitus that exposed white middle class children in the Victorian era to a racially and class oriented world. We argue that these objects reflect both the times in which they were made, and illuminate the relationship between adults and a newfound emphasis on children and childhood, in which toys serves as symbolic mediators of culture

#### Toy guns have a racist history – they were used to normalized marginalization of Chinese Americans in the 1800s in response to increased integration of Chinese individuals into the work force

Barton and Somerville 12. Christopher P. Barton and Kyle Somerville. Play Things: Children's Racialized Mechanical Banks and Toys, 1880-1930. International Journal of Historical Archaeology, Vol. 16, No. 1 (March 2012), pp. 47-85. Springer. NP 1/27/16.

Finally, the most commonly uttered complaint against the Chinese in the Victorian Era was that "White" America viewed the Chinese as inferior based on employment competition. Given the economic hardships endured by many Chinese immigrants as a result of both the Opium Wars then institutionalized American racism, the Chinese were relegated to low-end economic employment, and the Chinese worker therefore became synonymous with the railroad industry, that is to say low paying, manual labor. With the rise of union activism in the United States many companies used Chinese immigrants as strikebreakers, consequently infuriating white working-class Americans who viewed the ever-growing Chinese community as a direct threato their livelihood, resulting in cries that the "Importation of Chinese Barbarians into the Country Must Be Stopped by the Ballot or Bullet,"' (quoted in Orser 2007, p. 155). Nativist reactionary responses to the influx of Chinese labor included violence as well as political action (Paddison 2009). The rise to prominence of the Know Nothing party and their Nativist agenda brought the production of toys such as "The Chinese Must Go!" cap gun, (Fig. 5) which depicted a Nativist holding a Chinese man's queue, and when the trigger is pulled the Nativist kicks the Chinese man in the behind, setting off the cap in Chinese man's mouth. Such toys taught children that not only were the Chinese a threat but the use of political and physical force was warranted to protect white America. For nineteenth-century America, race was inseparable from class, and many toys from the time depict the Chinese as not onlybeing phenotypically stereotyped but also categorized into class based employment, which in turn reproduced a semiotic connection between the race and class and created a habitus of a race- and class-based social hierarchy.

Barton and Somerville 12. Christopher P. Barton and Kyle Somerville. Play Things: Children's Racialized Mechanical Banks and Toys, 1880-1930. International Journal of Historical Archaeology, Vol. 16, No. 1 (March 2012), pp. 47-85. Springer. NP 1/27/16.

On a deeper level, however, Victorian toys "reflected a culture that respected the past, mechanical innovation and utilitarian objects" (Cross 1997, pp. 25-26), and, consequently, adult conceptions of what was fun and what a toy should be. Racialized toys are no exception, and the preponderance of mechanical objects as a medium for racism deserves closer scrutiny. While mechanical figures date to antiquity (see Asimov 1984; Bedini 2002), their transformation into toys, that is to say, objects made exclusively for children, and their eventual ubiquity reflects both a fascination with novelty and mechanical innovation (Cross 1997, pp. 25-26) and "the desire to simulate life by mechanical means" (Bedini 2002, p. 1). This is reflected in period advertisements, which stressed the "lifelike" nature of the mechanical movements. Furthermore, toys with racial themes can be said to "deanimate a stereotype, to arrest [it], to render it in three-dimensional stasis, [and] fix a demeaning and/oromanticizing racism with the fortitude of solid form" (Brown 2006, p. 185). The form of the mechanical toy, including banks, cap guns and clockwork toys, ensured that there could be no room for alternative forms of play facilitated by the child's imagination. The mechanism of these toys was such that the mechanical parts create a rigidity of function, as each part of the mechanism fit together in a precise and specific way to produce a desired action, and no other action or output besides that intended by the manufacturer was possible. Put another way, the fixed mechanical systems of these toys produced a fixed outcome: the "Jolly Coon Jigger" could ever only do a gangly jig, "Paddy" could only ever take a penny off a pig's nose, and the "Reclining Chinaman" could only ever grin mischievously and flash five aces. The mechanical toy, therefore, was a contradictory object: it arrested the stereotype which it depicted, while simultaneously bringing it to life in a mechanical form, and served a utilitarian purpose (conveying stereotypes about "outsiders") while also retaining a sense of novelty. In short, the Victorian fascination with the mechanical, along with the Victorian fascination with children and childhood (see Calvert 1992; Cook 2004), came to join with the Victorian fascination with "The Other," those peoples and cultures who did not fit into Anglo-American conceptions of social order. In industrial capitalism, manufacturers are quick to capitalize on popular issues, and as objects of mass manufacture, toys are often highly topical, and can serve as temporal markers of the obsessions of popular culture (Strong Museum of Play 2010). In this regard, toys are a sort of barometer and it is not coincidental that racial toys were popular during the late nineteenth and early twentieth centuries, a time in which white culture was on the offensive against the intrusion of the "exotic other" onto the American landscape. Hence, racial toys also serve as temporal markers, reflecting undercurrents of popular attitudes towards immigrants and non-whites. For the projection of racialized images onto toys and mechanical banks the manufacturer must be able to reproduce a stereotyped representation of the group being depicted that the audience can easily identify. In doing so the manufacturer of toys recreates perceived phenotypic stereotypes as to how an Irishman, Chinaman, Negro, or Indian should look and act, and were "designed to prompt negative emotions, feelings of power at abusing an outcast character, which was pictured as uncivilized, insignificant, and foolish" (Cross 1997, pp. 98-99). The racialization of these groups, therefore, followed similar trajectories such as competition for employment, phenotypic inferiority based on science, differences inreligions and finally, differences in social organization contrary to that of white middle class America.

## Playing with toy guns is good for self-regulation

#### Playing with toy guns is key to self-regulation and success in school

Gross-Loh 13. Christine Gross-Loh, CHRISTINE GROSS-LOH is the author of Parenting Without Borders: Surprising Lessons Parents Around the World Can Teach Us (Avery, 2013), 8-9-2013, "Keeping Kids From Toy Guns: How One Mother Changed Her Mind," Atlantic, http://www.theatlantic.com/national/archive/2013/08/keeping-kids-from-toy-guns-how-one-mother-changed-her-mind/278518/, accessed 1-27-2016. NP

Although many of us in America worry that gun play desensitizes kids to violence, the research doesn't bear this out. In fact, it can actually help teach children to read each other's facial cues and body language, figure out their place in a group, and learn how to adjust their behavior in social settings. Play helps children learn how to signal each other: this is fantasy. As Mechling explains, using the theories of anthropologist Gregory Bateson, when children are playing with toy guns, they do so within a play frame they have created, one in which "a shooting is not a shooting." Children don't see their own play through the lens that adults do. To children, gun play is play, while to American adults--especially in the post-Columbine or Newtown era--gun play is violence.

When children are engaged in play they choose, they are more engaged and motivated to sustain it for longer. Imaginary play hones self-regulation, which is essential for school success but has declined in recent decades. (Today's five year olds have the self-regulation skills of a three year old 60 years ago). Research has found that incorporating preschool boys' interest in weapon play rather than banning it entirely leads them to play longer, more elaborate games that go beyond mere weapon play. The British government, in fact, concerned by a pattern of preschool boys falling behind girls in part due to zero-tolerance policies that had led teachers to curb any hint of boisterous play, advised preschools to allow boys to play with toy weapons and other play of their choosing, since the research suggests that acknowledging their interests will help them feel more engaged in school and improve their academic performance.

## Cutting

#### Opposition to racism should spur support for gun control movements

Cutting 15. Gary Gutting, 12-28-2015, "Guns and Racism," Opinionator, http://opinionator.blogs.nytimes.com/2015/12/28/guns-and-racism/?\_r=0, accessed 2-4-2016. NP.

The intensity gap exists because opponents of gun violence have no corresponding deep motivation. We cite suicide rates, urban violence, and, especially, mass shootings as horrors requiring more effective gun laws. But few of us actually see guns as existential threats to fundamental American values. In this, however, we are mistaken. Our permissive gun laws are a manifestation of racism, an evil that, in other contexts, most gun-control advocates see as a fundamental threat to American society. We’ve heard a lot recently about how blacks still don’t feel safe in this country. You can argue about how seriously to take complaints from black students at elite universities or even whether outrageous cases of unjustified police shootings are just isolated occurrences. But there’s no argument that black people in the “bad parts” of our cities have to live with utterly unacceptable levels of gun violence. In 2010, blacks, who make up only 13 percent of the population, were 55 percent of gun homicide victims. It’s no surprise that blacks favor stricter gun controls considerably more than whites do. NOW IN PRINT The Stone Reader: Modern Philosophy in 133 Arguments The Stone Reader An anthology of essays from The Times’s philosophy series, published by Liveright. How does racism enter into this picture? Let me put it in personal terms. I spend a fair amount of time in Chicago, where the newspapers regularly offer front-page reports of shootings from the previous night. Checking The Tribune on a recent morning, I learned that two people were killed and a dozen wounded. You might think that a steady stream of such reports (this year, Chicago will have over 2,700 shootings, with over 400 people killed) would induce high levels of fear, especially since many shootings occur on the streets. In fact, I’m not particularly afraid, since — like most Chicagoans — I’m hardly ever where the violence occurs. There’s something to worry about only if you live in certain overwhelmingly black communities on the West and South sides of town. (The papers publish helpful maps showing how the killings are distributed.) These are where almost all the shootings occur, and the large majority of victims (and perpetrators) are black. The patterns are similar in other large American cities, so that those who live with gun violence as an imminent, personal threat are mostly black. But imagine if there regularly were shootings in previously “safe” white areas. Now there are frequent killings on the Magnificent Mile, the Gold Coast and in Lincoln Park. Both the perpetrators and the victims are white, and, despite greatly increased police protection, the violence continues. Given the strong support for gun control among residents of these areas, the cause would quickly become very personal. Chicago has relatively strong gun laws, but the city borders on Indiana, where the laws are much laxer. My neighbors and I would join a vigorous and relentless campaign for stricter national gun laws. This isn’t our reaction to gun violence in black parts of town. Does this mean that we’re racists? Perhaps not. Perhaps we just haven’t realized the extent to which gun violence is destroying urban black communities. But once we realize this, our passion for justice and hatred of racism should galvanize us to action. Here the parallel to the Black Lives Matter movement is instructive. When black protesters convinced whites that striking examples of unjustified police violence were not just occasional aberrations, the whites supported protests against what they now saw as a racist practice. Similarly, white supporters of gun control should join with blacks — including mayors of major cities — who have recognized the racist effects of gun proliferation. RELATED More From The Stone Read previous contributions to this series. The case for the racist effect of our permissive gun laws is especially powerful. There’s no way of explaining away all these deaths as aberrations. If we fail to oppose with equal passion and vigor the relentless political pressure of (mostly white) gun advocates, we force a large number of black citizens to live with the constant threat of gun violence. We’re in effect letting the Second Amendment trump the Fourteenth Amendment, implicitly preferring the right of gun ownership to the right of black people to live free from fear. The gun lobby, of course, will say that gun control laws won’t help. Some will also dismiss gun violence as a “black problem” since it’s often a matter of blacks attacking other blacks. But here I’m not concerned with refuting gun-lobby arguments. I’m speaking to those who already agree that we need stronger gun laws and who realize that when our fellow citizens are dying and there’s something we can do about it, it’s morally vacant to say it’s their problem. Hatred of racism should be a major motivation for the gun control movement. This will give [gun control] it the vigor and persistence needed to overcome the gun lobby’s passionate fantasy that citizens with guns protect us from tyranny.

## Arkles

#### **Queer women of color and trans people are not protected by gun control laws – rather, they’re exposed to state violence**

Arkles 13. Gabriel Arkles. GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL. (Associate Academic Specialist at Northeastern University School of Law). Southwestern Law Review. Vol. 42. [www.swlaw.edu/pdfs/lr/42\_4\_arkles.pdf](http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf) (2013). NP 1/4/16.

First, I address issues of guns and gun control. Queer women of color and trans people of color are among those most vulnerable to severe forms of interpersonal and institutional violence. The police do not protect queer women of color or trans people of color from this violence, but perpetrate much of it. When queer women of color and trans people of color seek to defend themselves, they are often criminalized. Gun control laws are a mechanism of this criminalization. Rather than preventing violence, most existing and proposed gun control laws increase violence through creating more mechanisms for the search, arrest, prosecution, and incarceration of marginalized communities, particularly communities of color. Laws purportedly about reducing guns and gun violence serve to justify greater use of guns on the part of law enforcement and corrections officers to enforce those laws. I propose an alternative approach to gun control, that would focus on eliminating the most destructive weapons that do the most harm to the most people—those in the control of military, law enforcement, and other institutions.

#### Self-defense is uniquely key for marginalized communities who are more likely to face systemic oppression and assault – relying on police fails

Arkles 13. Gabriel Arkles. GUN CONTROL, MENTAL ILLNESS, AND BLACK TRANS AND LESBIAN SURVIVAL. (Associate Academic Specialist at Northeastern University School of Law). Southwestern Law Review. Vol. 42. [www.swlaw.edu/pdfs/lr/42\_4\_arkles.pdf](http://www.swlaw.edu/pdfs/lr/42_4_arkles.pdf) (2013). NP 1/4/16.

John alluded to living in an environment of pervasive threat. Most studies of violence do not look at intersections of race, gender, sexuality, class, and disability, but evidence shows that violence, including sexual violence, is more commonly perpetrated against groups marginalized based on those factors. Women are more likely to be sexually assaulted than men.25 Trans people are more likely to be sexually assaulted than cisgender26 people.27 Black women are more likely to be sexually assaulted than white women.28 Poor women are more likely to be sexually assaulted than rich women.29 Lesbian and bisexual women are more likely to be sexually assaulted than straight women.30 Disabled people are more likely to be sexually assaulted than able-bodied people. A national survey of transgender people found that transgender people of color were much more likely than white transgender people to experience virtually every category of violence, including transphobic family violence, violence in schools and places of public accommodation, and police and prison violence.32 For example, 22% of Black trans and gender nonconforming people had been physically assaulted in a place of public accommodation, as compared to 6% of white trans and gender nonconforming people.33 29% of Asian trans and gender nonconforming people and 38% of Black trans and gender nonconforming people had been harassed by police, as compared to 18% of white transgender and gender nonconforming people.34 A different report, which examined hate violence against lesbian, gay, bisexual, transgender, queer, and HIV-affected (LGBTQH) people in 2011, found that certain groups within LGBTQH communities experienced more violence than others.35 For example, LGBTQH undocumented immigrants were 2.31 times as likely to experience physical violence and transgender people of color were 2.38 times as likely to experience police violence as compared to LGBTQH people overall.36 Violence is much more than a moment when one person rapes, strikes, or shoots another person. Institutional mechanisms that distribute resources and death based on hierarchies of race, gender, sexuality, disability, and class are also forms of violence.37 These types of violence can be even more damaging than interpersonal violence.38 Job discrimination, welfare policy, lack of affordable housing, immigration policy, and other systemic issues make trans people of color and queer women of color highly vulnerable to poverty, homelessness, incarceration, and early death.39 John, for example, had been poor his whole life. Employers were not eager to hire him. He got welfare for a while, but in the era of welfare reform had to enroll in a job training program to continue getting benefits. When the job training program kicked him out for refusing to wear a skirt, he no longer got his meager welfare payments. These mechanisms—the punishment for not conforming to femininity, the surveillance and coercion built into welfare, and the economic structures producing poverty—can also be understood as forms of violence. Trans people of color and queer women of color cannot rely on police to defend them from any of these forms of violence. In fact, police are often the perpetrators of violence, including sexual violence.40 For example, a Native American trans woman described: “The police are not here to serve, they are here to get served. . .Every night I am taken into an alley and given the choice between having sex and going to jail.”41 A trans man reported a security guard and police threatening to rape him: “The security guard said, ‘The trouble is that this fucking lesbian needs to know what it’s like to be with a man.’ They all started to laugh. ‘I could show her,’ one police officer said.”42 Because they are overwhelmingly targeted for violence and do not receive institutional protection from this violence, trans people of color and queer women of color are likely to genuinely need to defend themselves and their communities from violence. However, while according to law and public perception self-defense is justified,43 in practice the self-defense justification works more effectively for those accused of crimes against people with less privilege than they have. This dynamic explains why women are punished for fighting back against men who abuse them44 and why hate crime laws are used against the groups they are purported to benefit.45 Certain bodies are considered more worthy defense of than others.46

#### Self-defense is never neutral – some individuals are seen as more worthy than others, denying marginalized groups the right to self-defense

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Because they are overwhelmingly targeted for violence and do not receive institutional protection from this violence, trans people of color and queer women of color are likely to genuinely need to defend themselves and their communities from violence. However, while according to law and public perception self-defense is justified,43 in practice the self-defense justification works more effectively for those accused of crimes against people with less privilege than they have. This dynamic explains why women are punished for fighting back against men who abuse them44 and why hate crime laws are used against the groups they are purported to benefit.45 Certain bodies are considered more worthy defense of than others.46 Famously, Bernhard Goetz, a white man, shot four young Black men he perceived as trying to rob him in a NYC subway.47 While many expressed outrage at Goetz’ racism, others acclaimed him as a hero.48 A mostly white jury acquitted him of murder.49 More recently, George Zimmerman, a mixed race Latino man who was widely perceived as white, shot Trayvon Martin, a young, unarmed Black man, and claimed he acted in self-defense. Zimmerman’s ability to claim self-defense was bolstered by the Blackness of his victim and his own perceived whiteness. Police accepted his account of Martin’s killing as true. Only after widespread public outcry did they question his story, ultimately arresting him for the murder.50 A jury acquitted him.51 Less famously, in the Jersey Seven case, young Black lesbians who defended themselves against an adult Black straight male attacker were promptly arrested and prosecuted.52 The young women were walking along a New York City street when Dwayne Buckle propositioned Patreese Johnson.53 When Johnson said no, Buckle became violent.54 Johnson’s friends came to her aid and they struggled.55 A couple of male bystanders joined the melee, trying to help the women.56 Buckle ended up getting stabbed.57 He recovered after emergency treatment.58 Mainstream media outlets depicted the young women in dehumanizing terms as a “gang of angry lesbians” and “wolf-pack” and reported Buckle’s self-depiction as a victim of a “hate crime” against a straight man.59 The women were the only ones arrested or charged.60 While a number of grassroots groups led by queer and/or trans people of color organized against the prosecution, widespread mainstream public outrage about the case never emerged.61 Johnson served almost eight years for her conviction arising from the incident.62

#### Gun control laws are never neutral – differential enforcement means marginalized communities are primarily targetted

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**White men seem to be the most common gun owners** in the U.S.80 However, **it is mostly people of color and often trans people of color and queer women of color who get targeted** through gun control laws. **Partly**, this is **because most gun control laws are criminal laws and the criminal legal system targets people of color, trans people, and poor people.** The disproportionate arrest, prosecution, sentencing, and punishment of communities of color is well-documented.81 While much of the writing and activism about the racism of the criminal legal system has focused on cisgender men of color, who do experience extremely high rates of incarceration and police violence, **women of color and (other) trans people of color also face severe and pervasive criminalization and punishment, as well as gender-related harms** within these systems.82

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Beyond the concerns that could apply to any criminal law, gun control laws are particularly bad for trans people of color and queer women of color, for a few reasons. First, as described above, trans people of color and queer women of color are heavily targeted for both interpersonal and institutional violence and they are also particularly unlikely to be able to rely on police or other government or corporate entities for protection. Those who choose to have guns for self-defense, under these circumstances, should not be punished.

#### Restricting gun access for those with criminal histories is discriminatory

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The prohibition on people with criminal histories possessing guns has a highly discriminatory impact on people of color, and trans people and queer youth of color in particular, because of the high rates of criminal legal system targeting of these communities.85 The prohibition on addiction also has a disparate impact. While most studies indicate no racial differences in rates of illicit drug use, people of color are far more likely to be identified as addicted to controlled substances because they are disproportionately targeted for enforcement of drug laws.86 They are also less likely to have access to high-quality, voluntary, confidential treatment for addiction or to licit medications for reducing chronic pain or symptoms of anxiety or depression.87 Also, **some studies have shown high rates of drug abuse in LGBT communities,** which many theorize results from high rates of stress from homophobia and transphobia.88

#### Restricting gun ownership for illegal immigrants discriminates against woc, queer, and trans individuals

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The provisions preventing undocumented immigrants and certain other immigrants from lawfully obtaining guns also have profound implications in terms of race, class, gender, sexuality, and disability. People of color from other countries may be more likely to immigrate to the United States, if they can, because of economic colonialism and military occupation that has devastated much of the global South, Middle East and parts of Asia.89 Trans people of color and queer women of color also may have particular incentives to leave their home countries because of transphobic, sexist, and homophobic violence in home countries (which can also be related to colonial legacies).90 While the explicit ban on immigration of people living with HIV was lifted in 200991 and the ban on immigration of people perceived as “sexually deviant” was lifted in 1990, 92 trans people and queer women are still even less likely than other immigrants to be able to get access to lawful immigration status in the U.S. The two primary routes to immigration to the US are less likely to be open to trans people and queer women. Poverty and employment discrimination make it unlikely they will be able to access employment-based routes to immigration status. Family-based immigration status is less likely to be available to queer women and trans people because immediate biological family members sometimes reject their trans, queer, or lesbian family and U.S. immigration law refuses to acknowledge chosen family networks that trans people of color and queer women of color often create. Also, the extensive criminalization of trans immigrants of color creates further barriers to immigration status.93 Bias and sexual exploitation on the part of immigration officers also create greater barriers to immigration.94

#### Differential enforcement happens

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Further, criminal gun control laws are not neutrally applied. In New York City, people charged with unlawful possession of a firearm are almost all people of color.98 Less than 4% of people charged with this crime are white, while nearly 70% are Black. 99 Like illicit drugs, illicit guns can easily be detected through searches—lawful or otherwise.100 Because of racial profiling, people of color are overwhelmingly the targets for “stop and frisks” and other such searches.101 Gender nonconformity, as well as race, can incite suspicion and lead to searches. Not long after the Virginia Tech shooting, a parent reported seeing a white man wearing women’s clothing walking near a school.102 In response, school officials locked down the school, contacted the authorities, and conducted a search for the “suspicious” person.103 A Black trans woman in Oklahoma recently sued after people reported her for walking in the park while wearing women’s clothing and the police arrested her for disorderly conduct.104 A Black trans man whose power wheelchair got stuck in the snow described how the only help any passerby would offer was calling the police, rather than offering to take a minute to help him with a push.105 Trans women of color are routinely stopped and arrested as presumed sex workers, simply because of their gender expression and race.106 Poverty and homelessness also dramatically increase vulnerability to police surveillance and are more prevalent among queer women of color and trans people of color.107 This increased surveillance and suspicion can make queer women of color and trans people of color far more likely to get caught with guns than identically armed white, straight, cisgender men

#### Handgun restrictions have historically intended to restrict gun access for communities of color since they’re cheaper

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**Gun laws also make guns more expensive. Many gun control laws have prohibited the selling of handguns** **or other cheaper guns specifically to make them less accessible to communities of color.**110 The cost of running background checks and other requirements of and restrictions on manufacturers and retailers can also be passed on to consumers, again making guns less accessible to poor people and to the groups who are more likely to be poor (such as disabled people, people of color, women, trans people, and immigrants).111

#### Heller and Mc.Donald bad

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In the last several years, a conservative majority of the Supreme Court has struck down some criminal gun control laws as violating the Second Amendment, first in Heller114 and then in McDonald. 115 While I believe that these laws are bad for trans people of color and queer women of color, these decisions are not triumphs for racial, gender, or sexual justice. While I suspect both laws were disproportionately enforced against people of color, trans people, immigrants, and other marginalized groups, the text of the laws do not facially require such discrimination to the extent that other laws focused on history of criminal convictions, immigration status, and treatment for mental illness do. The laws were broad enough to affect white, cisgender, straight, US citizen able-bodied men—the core group Scalia identified as deserving access to these weapons.116 In fact, in Heller the Court cautioned: “nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill.” 117 Also, Heller and McDonald do nothing to address the deeper problems around violence, the politics of self-defense, and differential valuing of lives based on race, class, gender, sexuality, and disability. They certainly do nothing to grapple with the extent of state and institutional violence against marginalized communities.

#### Government instigated violence is key to prevent – you increase it to enforce your laws, which criminalizes minority communities as well as disabled children of color

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Discourse around gun control often fails to acknowledge that most guns, as well as more highly destructive weaponry, are actually in the hands of government organizations (military, law enforcement, corrections, and intelligence) as well as some business organizations (security and mercenary). These organizations also cause far more violent deaths and injuries than people acting as individuals do. These guns, which disproportionately threaten trans people of color and queer women of color domestically and internationally,119 would not be restrained at all by current gun control laws and proposals. The overwhelming armaments of many government and corporate entities also make it easier for them to trample the lives and liberties of millions of people without fear of serious reprisal. That, of course, is exactly the point, and has been for a long time.120 While some among the founders may have spoken eloquently about the need for the people to have arms to keep government excesses in check,121 they were no more eager to allow Black people to have weapons they might use to rise up against white supremacy than it seems many in positions of power now are.

A serious approach to reducing violence with guns and other weapons would need to start with plans for massive disarmament of government and corporate entities. Some within the UN have been pushing for disarmament for many years, noting also the potential for reducing the violence of poverty through reinvestment in other areas.122 In contrast, grotesquely, some of the recent suggestions and changes made in the name of reducing gun violence would actually increase armed police presence around children. In the wake of Newtown, the NRA suggested armed police in schools as a way to prevent further mass shootings.123 Armed police are already present in many schools in lowincome communities of color, which has led to violence and criminalization against children of color, particularly disabled children of color.124 Scaling up these efforts would not help reduce gun violence. Gun violence is a serious issue, including when it is a form of state violence. Rather than building up more guns to perpetrate the violence of incarceration against more people of color, especially trans people of color and queer women of color, our communities deserve an approach that will prioritize control of state and other institutional violence and more meaningful ways to prevent and respond to interpersonal violence.

#### Construction of disability has been used to reaffirm whiteness

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Race, gender, sexuality, and class have always been central to conceptions of mental illness. White psychiatrists developed diagnoses specific to Black people prior to the Civil War, such as Drapetomania (described as a mental disease causing slaves to run away that should be treated with whipping) and Dysaethesia Aethiopica (described as “rascality” and failure to respect the property rights of white owners that should also be treated with whipping).141 Some psychiatrists claimed that emancipation was disastrous for the mental health of Black people because they were “mentally unfit” for the pressures of freedom.142 Schizophrenia came to be seen as a Black disease during the 60s and 70s, when Black power movements were pathologized as symptoms of diseased Black brains in need of treatment and control.143 A belief in white racism was described as a pathological sense of persecution.144 Black people are still diagnosed as schizophrenic much more often than white people, even with identical symptoms.145

#### Terrible prison conditions for disabled/trans/queer people once in prison

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The violence of incarceration can produce mental illness through a number of means. The relationship of incarceration to mental illness and other forms of disability is complex, as Beth Ribet explains.170 Ableism can make disabled people, including mentally ill people, more likely to be incarcerated and more likely to be targeted for violence such as prison rape once incarcerated.171 At the same time, disability, including mental illness, can be a consequence of getting raped in prison.172 Trans people of color and queer women of color are particularly vulnerable to prison rape. The rates of sexual assault for trans women in men’s prisons is thirteen times higher than the overall rates of sexual assault in men’s prisons.173 Rates of sexual assault are substantially higher in women’s prisons—where most trans men and cisgender queer women are incarcerated—than in men’s prisons.174 People of color are not only disproportionately incarcerated as compared to white people, but also may be targeted for sexual assault while in prison on the basis of their race.175 post-traumatic stress disorder is only one of the psychiatric conditions that can result or intensify from rape. The continuation of the conditions that caused the problem in the first place and the lack of quality, consensual mental health care in carceral settings severely impedes recovery.176 Trans and queer people of color are also highly likely to be placed in isolation in carceral settings, with potentially catastrophic mental health consequences.177 One trans woman who had been beaten by a guard wrote to the Office of Mental Health: “I’m having a nurvous [sic] breakdown, because my facial hair is growing, and I was deprived a shower and razor, all cause a officer smashes a woman’s [my] face into a wall.”178

#### Relying on background checks to keep guns away from individuals with mental illness, and blaming gun violence on mental illness rather than structural issues reentrenches ableism and masks the larger problem

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Some believe that anyone who kills children for no obvious reason must be crazy—not because they have received any particular diagnosis or meet any particular diagnostic criteria for a mental illness, not because a court has determined they meet a legal definition of insane or incompetent, and not because they have expressed a social or political identity as a mad person or mental health consumer, but simply because anyone who would do such a thing cannot, by definition, be “sane” or “normal.” Accepting the assumption that someone who does bad, violent things— or at least really bad, violent things, things like killing a lot of white children—[has a mental illness] is crazy because it just is crazy to do those things, though, doesn’t get us very far. It doesn’t tell us anything about why violence happens, how to prevent it, or how to respond once it has happened. It also doesn’t tell us anything about the proclivities of people labeled as mentally ill (to say it is a tiny minority of people who are labeled as mentally ill because they have killed children would be a drastic overstatement of the numbers).186 For example, while some people make much of the fact that the Virginia Tech shooter had been diagnosed with an anxiety disorder,187 he is in the company of more than 18% of Americans,188 most of whom do not open fire on their classmates. This assumption does, however, stigmatize and scapegoat mentally ill people.189 It allows “normal” people to disavow any role in or potential for violence.190 After the Holocaust, one reaction was to blame it on Hitler’s insanity.191 Whether or not Hitler was crazy, though, he was not the only person responsible for the murder of eleven million Jews, Roma, disabled people, and queer people. As a scapegoating technique, this link need not be logical. It sacrifices a marginalized group for the comfort of others. A press release about a recent New York gun law, for example, proclaims that the legislation will keep guns out of the hands of “potentially dangerous mental health patients.” 192 This proclamation succeeds in paint[s]ing a picture of who is responsible for gun violence while sidestepping the reality that everyone, whether they have received mental health treatment or not, is potentially dangerous. This focus also neatly evades challenges to the status quo and deflects attention from racial and gender privilege. An alternative approach to Newtown, for example, might interrogate the ways that society leads white men to believe that they are entitled to control the bodies and lives of women and children; that they own public spaces, and that rage, lust and aggression are the only acceptable feelings for them.193 In fact, mental illness is not linked to violence more strongly than gender is; it would make at least as much sense to lock up all men as a preventive measure as it would to lock up all mentally ill people.194 I am not suggesting that racism and sexism are the whole reason for Newtown, at least in a direct and simple way; most white men do not kill as Adam Lanza did. When we focus on mental illness, though, we are making a choice to focus negative attention on a marginalized characteristic, rather than a privileged one, with even less justification for doing so.

#### Rejecting ableism is k2 accepting black nationalism

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As I have already noted, involvement in Black nationalism was often perceived as a form of violence emerging from mental illness.198 Within prisons, people organizing other prisoners to protest conditions have been committed for psychiatric treatment as “criminally insane.”199 A woman prisoner who reported that a guard raped her was immediately transferred to a psychiatric hospital for prisoners, where she was harassed.200 When she attempted suicide, three male guards stripped her naked and tied her spread eagle to a bed, where she was forced to stay for nine hours. She was then kept on suicide watch for 29 days, which one staff person said was to “bring her down a few rungs,” but she received no counseling or other treatment.201

#### Ignoring violence perpetrated against neuro-divergent individuals to focus on scapegoating individuals as the cause of violence reentrenches ableism

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Thus, the relationship between violence and mental illness is not straightforward. **Buying into the myth that people with mental illness are likely to become violent “results in a culture of hatred and fear in which persons with mental disabilities are stripped of their rights and further stigmatized**, and **the very real violence**—both personal and institutional – **that they face is ignored**.”211 **To** really **tackle the problem of violence in relation to mental illness, we must turn to the violence perpetrated against people who are mentally ill.**

#### Mental illness exacerbates chance of brutality

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African Americans are subjected to involuntary psychiatric hospitalization more often than white people. 225 Police are also particularly likely to use excessive force—including deadly force—against mentally ill people of color.226 For example, in 1998, Detroit police shot Cora Jones, a 79-year-old Black woman with Alzheimer’s disease, to death in her wheelchair.227 In 2003 police pepper sprayed and handcuffed Rosie Banks, a thirteen-year-old Black autistic girl who was “acting out” in class.228 Class, gender, and sexuality can also make mentally ill people more vulnerable to police violence, as brutally demonstrated in 2011 when police shot to death Yvonne McNeal, a homeless lesbian, in front of her shelter, which was designated for people with mental illness.229

#### Violence happens in psychiatric institutions

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The vectors of pathologization, disablement, and violence can converge in complicated ways in the lives of trans people of color and queer women of color with mental illness. I met Ian, a Black transgender man I represented, when he was being held against his will for psychiatric treatment. When visiting New York and walking down the street, he saw police approaching him. A few months earlier, police officers who had perceived him as a Black cisgender man had beaten him severely because of his race. This time, he panicked and started yelling. The police perceived him as an emotionally disturbed Black butch lesbian, cuffed him, and took him to a psychiatric emergency room. Once committed, he experienced pathologization, in that his gender identity was treated like a delusion and his fear and distrust of police was treated like paranoia. He also experienced violence and disablement, in that he was held against his will, constantly told he was not really a man, belittled, asked invasive questions about his body and sex life, and criticized for deviations from norms of white femininity (for example, having short hair). All of these actions harmed his mental health. Not only was he locked up against his will in circumstances where a white cisgender person probably would not have been, he was also prevented from returning home and getting outpatient therapy and support services—which he actually wanted and found helpful.

#### Community based programs are key – endorse them

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Those of us concerned with racial, gender, sexual, economic, or disability justice should be concerned about the direction and focus of national conversations in the wake of Newtown. Controversies over gun control and mental health treatment have a profound impact on those marginalized based on race, gender, sexuality, class, and disability. Gun control laws so far have been disastrous for trans people of color and queer women of color, as well as those labeled mentally ill, failing to reduce interpersonal violence [and] but increasing the violence of the criminal legal system. Instead of focusing on greater incarceration of people in marginalized communities who choose to carry guns, we should consider true disarmament. This disarmament would involve demilitarizing police, decreasing incarceration, keeping cops out of schools, disinvesting in the armed forces, and instead investing in communities. Expanded power to commit people based on mental illness, whether on an outpatient or inpatient basis, would also be deeply harmful, especially to queer women of color and trans people of color who are already highly vulnerable to pathologization, disablement, institutionalization, and abuse. Instead, we should consider investing more deeply in holistic, community directed services for mentally ill people that support self-determination and social change, including fighting state and interpersonal violence against people with mental illness. In seeking to prevent violence, we must take care to ensure we are not actually perpetrating it.

## Willik

#### Liberal support of gun control is idealism

Willick 15. JASON WILLICK. (Staff Writer, The American Interest), 10-2-2015, "Gun Control: More Racial Disparities Than the Drug War," American Interest, http://www.the-american-interest.com/2015/10/02/gun-control-more-racial-disparities-than-the-drug-war/, accessed 2-4-2016. NP.

Original ideas and measured arguments are hard to come by in the wake of mass shootings, like the one that occurred yesterday at a community college in Oregon. Emotions are running high, and liberal pundits are screaming at conservative pundits with an unusual level of venom about how they have blood on their hands for opposing new gun control laws. Conservatives, on the defensive, counter that the left is “politicizing tragedy,” or else recycle arguments that mass shootings can only be prevented by an even more well-armed populace. One exception last night came from Michael Dougherty, a columnist for The Week, who noted incisively that “the horror at gun violence and the horror at war on crime criminal justice policy are in deep tension.” Dougherty is right: Many liberals who believe adamantly in strict gun control laws believe just as adamantly that the legacy of tough-on-crime conservatism is responsible for the horrors of mass incarceration, and all the racial baggage it carries with it. Many gun control advocates seem to be under the impression that governments can pass new felony legislation that will take guns off the streets without requiring more aggressive policing, without putting more people in prison, and without the racial disparities in enforcement that characterize the rest of our criminal justice system. This is a fantasy: Gun control and tough-on-crime politics are two sides of the same coin. If governments are serious about cracking down on illegal guns in a meaningful way, they will need to use all of the same tools that they used to crack down on crime from the 1970s onward—tough criminal penalties (i.e., long prison sentences for offenders) and aggressive policing, especially in poor and minority neighborhoods that tend to have the highest rates of crime. Indeed, as Reason‘s A. Barton Hinkle pointed out, New York’s notorious stop-and-frisk policies, which left-wing mayor Bill DeBlasio led the charge against, was arguably one of the most effective gun control policies in the country. Moreover, all the evidence suggests that stricter gun laws would fall disproportionately on the same people who have always bear the brunt of tough criminal justice policies. The Washington Post‘s Radley Balko noted last year that “47.3 percent of those convicted for federal gun crimes were black — a racial disparity larger than any other class of federal crimes, including drug crimes.” According to the Bureau of Labor of Justice statistics, state, local, and federal governments arrested black people for gun crimes at a five times higher rate than they arrested whites. More than three out of four gun arrests were in urban areas. So people who empathize with the message of the Black Lives Matter movement—that young, black men in America’s cities are treated unfairly by the criminal justice system and that mass incarceration has devastated too many communities—should think further about what the draconian gun policies they pine for would actually entail. Most socially liberal gun control champions don’t see themselves as pushing policies that would abet racial profiling or worsen the problem of mass incarceration. They see themselves as going after their political enemies—socially conservative white men in red states. And it may in fact be possible to craft narrow gun policies—like requiring more background checks at gun shows—that would mostly affect people in this demographic. But few intelligent observers are under any illusions that this type of symbolic half-measure on gun control would meaningfully cut into America’s gun violence statistics. Meaningfully reducing gun violence in a nation with 300 million guns would probably require the type of confiscatory gun regulations enacted in Australia and some European countries. And the mechanics of enacting such policies could well contradict the vision for police and prison reform that has been gaining momentum on the left and right alike over the past year.

## Campbell 3

#### Unemployment’s the largest indicator of femicide

Campbell et al.3. Jacquelyn C. Campbell, PhD, RN. Daniel Webster. ScD. MPH, Jane Koziol-McLain, PhD. RN. Carolyn Block. PhD. Doris Campbell, PhD. RN. Mary Ann Curry. PhD. RN, Faye Gary, PhD, RN, Nancy Glass. PhD, MPH, RN. Judith McFariane, PhD. RN, Carolyn Sachs, MD, MPH, Phyllis Sharps. PhD. RN, Yvonne Ulrich, PhD, RN. Susan A. Wilt. DrPH. Jennifer Manganello, PhD. MPH, Xiao Xu. PhD. RN, Janet Schollenberger. MHS, Victoria Frye. MPH. and Kathryn Laughon. MPH. Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study. www.baylor.edu/content/services/document.php/28840.pdf&sa=U&ei=-SdMU8rFBsPO2wWznIHIBA&ved=0CD4QFjAH&usg=AFQjCNFTmc09u68dPnfKFy4ySNnSImVe1A. July 2003, Vol 93, No. 7 | American Journal of Public Health Campbell et at. \ Peer Reviewed | Research anfl Practice | 1089. NP 2/5/16.

In comparing our femicide perpetrators with other abusive men, we found that unemployment was the most important demographic risk factor for acts of intimate partner femicide. In fact abuser's lack of employtnent was the only demographic risk factor that significantly predicted femicide risk's after we controlled for a comprehensive list of more proximate risk factors, increasing risks 4-fold relative to tlie case of employed abusers (model 6), Unemployment appears to underlie increased nsks often attributed to race/ ethnicity, as has been found and reported in other analyses related to violence.'^'^"^ 'Hie prt'sent results revealed that traits of perfieti"atoi"s thought to be chai^acteristic of violent criminals in general^' tended to be no more characteiistic of femicide peqietrators than of uther batterera. For instance, in contrast to results of previous research comparing abusers fuid nonabusers,^^ our regression analyses showed that arrests for other crimes did not differentiate femicide perpetrators from por[)etrators of intimate partner violence. .After controlling for other risk factors, prior arrest for domestic violence actually decreased the risk for femicide. suggesting that arrest of ahusers piT)tects against future intimate partner femidde risks. I^rpetrator drug abuse significantly increased the risk of intimate partner femidde, but only before the effects of previous threats and abuse wei"e added. Drug abuse, therefore, was assodated with patterns of intimate partner abuse that increase femicide risks

## Spade

#### Must recognize less sensationalist responses to gun control

Spade 13. Dean Spade, Brooklyn College, 2-7-2013, "Gun Control, Surveillance and Trans Resistance," No Publication, http://srlp.org/gun-control-surveillance-and-trans-resistance/, accessed 2-6-2016. NP 2/6/16.

In the wake of the Newtown shooting, the issue of gun control is being framed in very selective ways that ignore the realities of violence in our communities. The truth is that the most deadly, in terms of numbers, gun owners are police forces and the US military. When we have a conversation about gun violence that ignores the realities of state violence, it often produces proposals that further marginalize and criminalize people of color, poor people, people with disabilities, immigrants and youth. In Washington State, we’re fighting against a new bill that would create mandatory jail time for youth caught possessing a gun. We know that mandatory jail and prison sentences are part of what has created the massive boom in US imprisonment in recent decades that have devastated communities of color. We know that jailing youth does not make our communities safer, it just damages the lives, health outcomes, and educational opportunities of young people.

As our country continues this debate about gun control, I hope that we can bring a recognition of the massive violence of criminalization and militarization to this discussion, and that we can think about safety in less sensationalist and more realistic ways. For trans communities, whose daily experiences of pathologization, violence and surveillance inform our understandings of the world, the reform proposals emerging after Newtown are of great concern.

## Reuter & Mouzos 3

#### There’s incarceration w/ Australian buyback program

**Reuter and Mouzos 3**. Reuter and Mouzos. PETER REUTER JENNY MOUZOS. Australia: A Massive Buyback of Low-Risk Guns. faculty.publicpolicy.umd.edu/sites/default/files/reuter/files/gun%20chapter.pdf <http://www.brookings.edu>. NP 2/6/16.

Penalties for violations of firearms law were substantially enhanced. Possession of a prohibited firearm or handgun in New South Wales is punishable by a maximum fourteen-year prison sentence; sale of such a weapon could earn a twentyyear sentence. New South Wales has a population of 6.5 million and in 1999, there were 24 firearm homicides and 737 firearm robberies. One study reports that 284 persons were convicted of possession of a firearm without a license (principal offense), where the maximum penalty is two-years’ imprisonment.47 Of these, only eleven received any prison time at all. A majority received only a fine (average value $A439). New South Wales created a Firearms Trafficking Unit in September 1999, the first specialized unit to deal with illegal firearms.48 In its first eighteen months of operation, which included undercover purchases, the unit seized 216 firearms and arrested twenty-eight people on firearm charges.49 The arrest figure hardly suggests intense enforcement, but there is no means of measuring the base (number of sales of prohibited or unregistered firearms to persons without a license), a matter we return to at the end of this chapter.

## Mauser

#### U.S. crime rates have dropped while crime rates in other countries have increased

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.

The United States provides a valuable point of comparison for assessing crime rates because the criminal justice system there differs so drastically from those in Europe and the Commonwealth. Not only are criminal penalties typically more severe in the United States, often much more severe, but also conviction and incarceration rates are usually much higher. Perhaps the most striking difference is that qualified citizens in the United States can carry concealed handguns for self-defence. During the past few decades, more than 25 states in the United States passed laws allowing responsible citizens to carry concealed handguns. In 2003, there are 35 states where citizens can get such a permit. The upshot is that violent crime rates, and homicide rates in particular, have been falling in the United States. The drop in the American crime rate is even more impressive when compared with the rest of the world. In 18 of the 25 countries surveyed by the British Home Office, violent crime increased during the 1990s. This contrast should provoke thinking people to wonder what happened in those countries where they introduced increasingly restrictive firearm laws.

#### Disarmament fails

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.

In the past 20 years, both Conservative and Labour governments have introduced restrictive firearm laws; even banning all handguns in 1997. Unfortunately, these Draconian firearm regulations have totally failed. The public is not any safer and may be less safe. Police statistics show that England and Wales are enduring a serious crime wave. In contrast to handgun-dense United States, where the homicide rate has been falling for over 20 years, the homicide rate in handgun-banning England and Wales has been growing. In the 1990s alone, the homicide rate jumped 50%, going from 10 per million in 1990 to 15 per million in 2000. Police statistics show that violent crime in general has increased since the late 1980s and, in fact, since 1996 has been more serious than in the United States. The firearm laws may even have increased criminal violence by disarming the general public. Despite Britain’s banning and confiscating all handguns, violent crime, and firearm crime, continue to grow.

#### People need to actually prove gun laws decrease violence

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.

Widely televised firearm murders in many countries during the 20th Century have spurred politicians to introduce restrictive gun laws. The politicians then promise that the new restrictions will reduce criminal violence and “create a safer society.” It is time to pause and ask if gun laws actually do reduce criminal violence. Gun laws must be demonstrated to cut violent crime or gun control is no more than a hollow promise. What makes gun control so compelling for many is the belief that violent crime is driven by the availability of guns and, more importantly, that criminal violence in general may be reduced by limiting access to firearms.

Buybacks are really expensive and Australia proves they don’t work

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.,

Following shocking killings in 1996, the Australian government made sweeping changes to the firearm legislation in 1997. Unfortunately, the recent firearm regulations have not made the streets of Australia any safer. The total homicide rate, after having remained basically flat from 1995 to 2001, has now begun climbing again. The decline in homicide rate in the gun-permissive United States stands out against the trend in Australia. The divergence between Australia and the United States is even more apparent with violent crime. While PUBLIC POLICY SOURCES, NUMBER 71 The Failed Experiment 4 The Fraser Institute violent crime is decreasing in the United States, it is increasing in Australia. Over the past six years, the overall rate of violent crime in Australia has continued to increase. Robbery and armed robbery rates continue to rise. Armed robbery has increased 166% nationwide. The confiscation and destruction of legally owned firearms cost Australian taxpayers at least $500 million. The costs of the police services bureaucracy, including the hugely costly infrastructure of the gun registration system, has increased by $200 million since 1997. And for what? There has been no visible impact on violent crime. It is impossible to justify such a massive amount of the taxpayers’ money for no decrease in crime. For that kind of tax money, the police could have had more patrol cars, shorter shifts, or maybe even better equipment. Think of how many lives might have been saved.

#### Gun confiscation is an expensive failure

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.,

In the 1990s, sweeping changes were made to the firearms laws, first in 1991 and then again in 1995. Licensing and registration are still being phased in. The contrast between the criminal violence rates in the United States and in Canada is dramatic. Over the past decade, the rate of violent crime in Canada has increased while in the United States the violent crime rate has plummeted. The Canadian experiment with firearm regulation is moving to farce. The effort to register all firearms, which was originally claimed to cost only $2 million, has now been estimated by the Auditor General to top $1 billion. The final costs are unknown but, if the costs of enforcement are included, the total could easily reach $3 billion. Taxpayers would do well to ask for independent cost-benefit studies on registration to see how much the gun registry is already costing. Restrictive firearm legislation has failed to reduce violent crime in Australia, Canada, or Great Britain. The policy of confiscating guns has been an expensive failure. Criminal violence has not decreased. Instead, it continues to increase. Unfortunately, policy dictates that the current directions will continue and, more importantly, it will not be examined critically.

No reason violence with a gun is uniquely key – they’re used less frequently in other countries with stricter gun laws – leads to more injury of victims

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.,

Even in serious crimes, such as homicide and robbery, where the misuse of firearms is more prevalent, firearms are still used only in a minority of cases. Between 4% and 14% of robbers use a firearm in Australia, Canada, or England, while in the United States, less than half of robbers (42%) use firearms.7 A lower percentage of gun misuse may not be a blessing. Research shows that robbery victims are less likely to be injured in crimes where the assailant uses a firearm.8 Gun crimes may dominate the news but violence involving guns is not qualitatively worse than other violence: being bludgeoned to death is not less horrific than being shot to death. In this study, the United States stands out in that most murders (63%) are committed with firearms, while in Australia, Canada or England relatively few murderers use firearms (9%–31%).9 In the Commonwealth, knives are usually preferred to guns by murderers.10 For example, at least as many murders are committed with knives as guns in Canada and in Australia twice as many murders involve knives as guns (Dauvergne 2001: 8; Mouzos 2001).

#### Firearms aren’t actually uniquely lethal – carbon monoxide and hangings are equally dangerous

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.,

Although suicide is not a violent crime, it is often included in the discussion of violence involving guns. **Relatively few people (between 4% and 20%) use guns to commit suicide in the Commonwealth countries** examined here. As usual, **the United States is unique, with slightly more than half of suicides involving a gun (56%). Despite the higher percentage of gun suicides, the United States has a lower total suicide rate than either Australia or Canada** (Australian Bureau of Statistics 2002; Preville 2003; NCIPC 2003). Despite claims to the contrary, **firearms are not uniquely more lethal than alternative means to commit suicide. Hanging and carbon monoxide** (e.g., by using vehicle exhaust) **have approximately the same lethality as shooting** (Kleck 1991: 258). It would appear obvious that **the more determined a person is to commit suicide, the more likely** he or she is **[they are] to choose an effective method for doing so. As there is no shortage of lethal alternatives available to a person who wishes to end his or her life, restricting access to any one method—for example, firearms or subway trains—still leaves available many other methods for achieving the same end.**

#### Gun accidents are really rare

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.

Accidents involving guns, despite the media coverage they seem to generate, are quite rare. Typically, guns account for less than 1% of accidental deaths in any developed country. Perhaps this rarity is why they receive such emotional media attention. Vehicle accidents are far more common and pose a far greater risk to the public than do gun accidents, yet car accidents receive little or no interest from the mainstream media. This is yet another example that media coverage does not indicate the seriousness of a threat.

#### Australia proves – gun regulations don’t reduce suicide or homicide – both rates have continued to rise despite gun confiscation

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.,

Unfortunately, these new firearm regulations do not appear to have made the streets of Australia safer. Consider homicide rates. Homicide involving firearms is declining but the total homicide rates have remained basically flat from 1995 through to 2001 (Mouzos 2001). However, early reports show that the national homicide rate may have begun climbing again. Mouzos (2003) reports that homicides in 2001/02 increased by 20% from 2000/01. She also reports that, despite the declining firearm homicides, there is an increase in multiple victim incidents. Homicide rates remain at a historic high. Shortly after World War II, the Australian homicide rate was around 1 per 100,000. Since then, it has climbed until it peaked at 2.4 per 100,000 in 1988 (Graycar 2001). The decline in homicide rate in the United States stands out against the flat—or even rising—homicide rate in Australia (figure 7). The divergence between Australia and the United States is even more apparent when one considers violent crime (figure 8). While violent crime is decreasing in the United States, it continues to increase in Australia. Over the past 6 years, both assault and robbery show no signs of decreasing (Australian Institute of Criminology 2003) (figure 9). It is too early to tell whether the gun ban has exacerbated the problem or simply not had any effect. Recent changes in the firearm law appear to have had no impact upon the suicide rate (Australian Bureau of Statistics 2001) (figure 10). Despite the new prohibitions and firearm buybacks, the suicide rate in Australia continues to rise. This contrasts with the slight decline in suicide rates in the United States even while the availability of firearms continues to increase.

Mauser 3. Gary A. Mauser. The Failed Experiment Gun Control and Public Safety in Canada, Australia, England and Wales. Number 71 / November 2003. PUBLIC POLICY SOURCES. [www.gunsandcrime.org/faildxprmt.pdf](http://www.gunsandcrime.org/faildxprmt.pdf) NP 2/6/16.,

This brief review of gun laws shows that disarming the public has not reduced criminal violence in any country examined here: not in Great Britain, not in Canada, and not in [or] Australia. In all cases, disarming the public has been ineffective, expensive, and often counter productive. In all cases, the means have involved setting up expensive bureaucracies that produce no noticeable improvement to public safety or have made the situation worse. The results of this study are consistent with other academic research, that most gun laws do not have any measurable effect on crime (Kleck 1997: 377; Jacobs 2002). As I have argued elsewhere (Mauser 2001a), the history of gun control in both Canada and the Commonwealth demonstrates the slippery slope of accepting even the most benign appearing gun control measures. At each stage, the government either restricted access to firearms or prohibited and confiscated arbitrary types of ordinary firearms. In Canada, registration has been shown to mean eventual confiscation. As well, police search powers have been increased. The expansion of the state’s search and seizure powers should be taken very seriously by all civil libertarians concerned about the erosion of Canadians’ individual rights. Canada’s democratic institutions may also have been damaged by the transfer of what many would consider legislative powers to both the police and cabinet under firearm legislation. Firearm registration also violates the basic rules of policing set forth in the 1820s by Sir Robert Peel, the founder of the first professional police force, the British Bobbies. In order for laws to be enforced effectively, the police must have the support of citizens being policed. However, experience in several countries shows that passive resistance to firearms registration is widespread. Instead of seeing gun control as a policy response to violent crime, it is more useful to view it as the product of conflict between urban and rural cultures (Kleck 1996). Much as the temperance movement was an attempt to impose rural values upon urban residents, firearm registration may be seen as an attempt by urbanites to impose their cultural values upon the rest of society. The demonization of average people who happen to own a gun lays the foundation for a massive increase in governmental intrusiveness in the lives of ordinary citizens. Firearm registration and owner licensing threatens long-standing Canadian liberties and freedoms. The type of gun control Canada has enacted is not consistent with many democratic principles and the protection of civil liberties. Nevertheless, Canada is spearheading a move in the United Nations to impose a similar regime of draconian restrictions around the world. Disarming the public greatly increases cynicism about government among much of the population and it diminishes their willingness to comply with other, future regulations that might even be more sensible. The sense of alienation grows with the severity of the restrictions and with the ineffectiveness of their result. Unfortunately, policy dictates that the current directions will continue and, more important, will not be examined critically. This last is a guarantee of the increase of that future alienation. It will only worsen as the mass media become slowly aware that their bias towards the banning of guns has been misdirected and begin shifting their attention to the large quantities of money that have been wasted in pursuit of a dream of social engineering that was doomed from the start. Only the United States has witnessed a dramatic drop in criminal violence over the past decade. The justice system in the United States differs in many ways from those in the Commonwealth but one of the important reasons for the drop in violent crime may be that responsible citizens are increasingly carrying concealed handguns (Lott 2000). In contrast, authorities in the PUBLIC POLICY SOURCES, NUMBER 71 The Failed Experiment 20 The Fraser Institute Commonwealth insist upon a monopoly of force. If the goal is deterring criminal violence, perhaps it is time for Commonwealth countries to encourage more individual self-reliance. Gun laws may not reduce violent crime but criminal violence causes gun laws—at least, well-publicized crimes do. The only winner in this drama is bureaucracy. The rest of us lose liberty as well as safety. It is an illusion that further tinkering with the law will protect the public since no law, no matter how restrictive, can protect us from people who decide to commit violent crimes. There have always been criminals, and there have always been deranged people. Murder has been illegal for thousands of years: we need only remember the saga of Cain and Abel. The mass media find gun crimes more newsworthy but multiple civilian murders by arson have historically claimed more lives than incidents involving firearms. The truth is we live in a dangerous world and the government cannot protect us, if for no other reason than the police cannot be everywhere. We must ultimately rely upon ourselves and it is only right we have the necessary tools to do so.

## Jacobs 12

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

This chapter examines the feasibility of handgun prohibition and disarmament. National Handgun Prohibition could apply to manufacture, importation, sale, or possession. Ending manufacture of new guns would be easiest to implement, but more than 100 million handguns would by then be in private hands, augmented by imports and the production of small clandestine shops. Prohibiting possession would require disarming the citizenry; whether done quickly or over a long period, it would be a monumental challenge, fraught with danger. Millions of citizens would not surrender their handguns. If black market activity in connection with the drug laws is any indication, a decades-long “war on handguns” might resemble a low-grade civil war more than a law enforcement initiative.

#### A solvency advocate

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In the area of Policy we recommend that…there be a complete and universal federal ban on the manufacture, importation, sale, and possession of handguns (except for authorized police and military personnel).

#### Handgun ban doesn’t necessarily entail compensation

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In June 1992, Senators John Chafee (R-R.L), Claiborne Pell (DR.L), and Alan Cranston (D-Calif.) introduced legislation to ban the sale, manufacture, and possession of handguns, with exceptions for law enforcement personnel and licensed target clubs. Senator Chafee exhorted his colleagues: “It is time to act. We cannot go on like this. Ban them!”7 The bill did not provide compensation to those who surrendered their handguns.8

A potential cp

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A few other gun control organizations have also endorsed various forms of handgun prohibition. The Coalition to Stop Gun Violence (CSGV), previously the National Coalition to Ban Handguns, seeks to “ban handguns and assault weapons from importation, manufacture, sale and transfer by the general American public,” except for military, police and security personnel, and gun clubs.11 CSGV proposes a series of steps leading up to the handgun ban. It calls for restrictive licensing of gun dealers and owners and higher licensing fees, high taxes on handguns and ammunition, strict liability for gun manufacturers and dealers, regulating firearms as consumer products, limiting individuals to one handgun purchase per month, and banning Saturday Night Specials. This is not a disarmament plan, since it permits handgun possession (although encouraging voluntary disarmament). It also does not cover rifles or shotguns because, according to the coalition, those weapons do not pose the same threat as handguns.

#### Prohibition of manufacture of handguns would be easy

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Prohibition proposals come in different styles and sizes. Prohibiting manufacture of handguns would be the easiest form of prohibition to implement and enforce. The Census of Manufacturers for 1997 shows that there were one hundred and ninety-one small arms manufacturing companies with combined sales of $1.2 billion. The locations of these manufacturers are known. The federal government could order them shut down, subject them to prohibitive taxation (“tax them to death”), or expose them to ruinous tort liability. Their decommission would be easy to monitor. Of course, the government would need to permit at least one private company to continue producing enough handguns for the police and whatever other groups would still be lawfully armed. Alternatively, the government could set up its own handgun manufacturing plant to supply the legitimate market\*

#### Shutting down legitimate handgun manufacture would be a boon to the illicit market

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Closing down legitimate manufacturers would be a boon to black market (p.161) producers. Clandestine handgun manufacturers would spring up, just as thousands of illegal stills operated during alcohol prohibition, and hundreds or thousands of clandestine labs now produce unlawful mood and mind-altering drugs like amphetamine and ecstasy. Even today, “zip guns” are produced or assembled in small workshops within the United States.\* These black [illicit] market manufacturers, already illegal, operate outside any regulatory scheme for recordkeeping, serial numbers, safety locks, or taxation.

#### Prohibition handgun imports would be really fucking hard

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Implementing a prohibition on importation of handguns would be even more difficult. Without (or with sharply diminished) domestic U.S. sources for new handguns, there would be a greater economic incentive for smugglers to bring in handguns from abroad. Is there any reason to believe that customs officials and other law enforcement personnel would be more successful in preventing handgun smuggling than in preventing drug smuggling? I think not. Contraband handguns, like illicit drugs, would enter the country illegally in seaborne containers, trucks, cars, planes, and by mail. (Currently, there are firearms black [illicit] markets in Western Europe, where handguns smuggled from Eastern Europe and the former Soviet Union are easily obtainable in Amsterdam, Brussels, and other cities.)16

#### As soon as news of handgun prohibition spreads, people would buy up handguns to supply post-ban demand

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All handgun prohibition proposals discussed in this chapter include a ban on the sale of handguns. A sales prohibition would necessarily have to prohibit every type of commercial transfer, lest the ban be circumvented by leasing and renting. But even that expanded proscription would be incomplete. Banning just commercial transfers would not prevent handguns from being transferred by nondealers to new owners as gifts or barter. Therefore, an effective “sales” prohibition should encompass a ban on gifts and lending as well. No doubt once a sales prohibition seemed like a realistic possibility, (p.162) some people (including profiteers and ideological opponents of the prohibition) would purchase large quantities of handguns in order to supply the post-sales prohibition demand.

#### Massive resistance and backlash

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We can get a sense of the magnitude of the compliance problem by looking at the success of our current prohibition on possession that applies to persons with a felony record. Hundreds of thousands, perhaps millions, of ex-felons currently possess handguns illegally, despite the federal felon in-possession law's threat of a 10-year maximum federal prison sentence. We can also obtain a perspective on compliance by looking at what happened when, in 1995, several states required registration of assault rifles. In California, only 10% of about 300,000 assault weapons owners registered their weapons.17 Cleveland and Boston achieved an estimated 1% compliance rate. Denver authorities registered 1% of 10,000 assault rifles.18 The estimated 100,000 to 300,000 New Jersey assault rifle owners registered 947 assault rifles, rendered 888 inoperable, and turned over 4 to law enforcemen**t** personnel. It should be emphasized that these assault rifle laws were implemented in states that had produced legislative majorities for such gun controls. A federal registration requirement would (p.163) have to be enforced in states where handgun prohibition could not command a legislative majority. In those states, noncompliance would be an even greater problem, and police and prosecutors, charged with enforcing the prohibition, would have to confront jurors’ hostility.\* Prohibition would face constitutional litigation all over the country. Most gun owners (rightly or wrongly) believe that they are exercising a constitutional right.19 Even a Supreme Court decision, rejecting the contention that the Second Amendment guarantees law-abiding individuals the right to keep and bear arms, would not shake millions of citizens’ belief that gun ownership is a right of American citizenship.

#### How the fuck do we enforce handgun disarmament?? No one knows!

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

Enforcement Problems Who would enforce handgun disarmament and with what degree of vigor? National Alcohol Prohibition was enforced by a small number of U.S. Treasury Department agents and by state and local police departments. Criminal justice and organized crime scholar Humbert S. Nelli writes that “Prohibition overburdened the criminal justice system and undermined respect for the nation's law.” Another author recalled that “organization and methods…were hopelessly inadequate.”20 Professor McBain of Columbia Law School wrote in 1928 that “the large-liquor drinking public has been indifferent to, if not positively in favor of, the corruption that helps to keep the stimulating stream flowing without interruption…the [police] force from the beginning has been thoroughly spoils-ridden.”21 In many cities, the police were contemptuous of alcohol prohibition and did not enforce it; corruption flourished. History has repeated itself with the contemporary drug war. After the Supreme Court's decision in Printz, rejecting federal authority to order state and local officials to conduct background checks, National Handgun Prohibition might have to be a completely federal program.22 What kind of a federal enforcement agency would be needed to investigate and deter unlawful handgun possession? Currently, most illegal handguns are seized as a consequence of street or car stops made by local law enforcement agents; a frisk reveals the gun.23 Routine car and street stops are (p.164) not the province of federal agents, who lack general street-leve policing authority and experience. Perhaps BATF could be expanded into a super nationwide street-level police agency with tens of thousands of new agents? Such a move would have to overcome the opposition of the NRA, gun owners, some members of Congress, and others who excoriate BATF agents as “jack-booted minions.”\* It would also have to overcome those who oppose expanding federal power and expending a great deal of federal funds. Undoubtedly, there would be opposition and resistance from fringe elements, who for years have warned of a colossal and despotic federal government. The number of militia groups would probably grow, with the potential for Waco-type standoffs and shootouts.24

#### Passive enforcement could be the solution

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

These potential problems suggest that passive enforcement might be a better alternative. BATF agents might make no special effort to identify and arrest handgun possessors. They could simply make arrests when handguns come to light in the course of investigations of other crimes. Of course, that is not much different than the way federal and state felon-inpossession laws are currently enforced.

Really fucking hard to get people to agree on guilty verdicts

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

Some prosecutors, for political or practical reasons, would hesitate to prosecute unlawful possession cases, just as prosecutors today do not prosecute every drug possession case. They would face serious difficulties convicting defendants with no criminal record who claim to possess a gun for self-defense or sport. Currently, federal prosecutors decline to prosecute a high percentage of charges even against persons with felony records when, though possessing firearms illegally, the arrested person has committed no other crime.25 It would be much more difficult to convince federal or state prosecutors to bring charges against otherwise lawabiding persons for merely violating National Handgun Prohibition. Even if prosecutors brought charges, it would be difficult to get unanimous guilty verdicts from jurors who, in many states, would be inclined to nullify the unpopular law.

Fines could be a good idea

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

Perhaps enforcing unpopular, or at least controversial, handgun disarmament could be made easier by setting the punishment low. If illegal possession of a handgun were treated as a misdemeanor or administrative violation, punishable by a small fine, say $250 or $500, jury trials could be avoided altogether. However, under that scheme, people who were (p.165) committed to keeping their handguns would be no more deterred from violating the gun law than from violating the speed limit.

#### How do you deal with the illicit market? Idk!

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

National Handgun Prohibition, whether actively or passively enforced, would have to contend with a black market.26 If the lawful supply of firearms was shut down, consider how easily guns could migrate into the black market. In the United States, there exists a black market in handguns that are stolen, purchased for unlawful sale, or otherwise diverted from lawful owners to criminals. According to Gary Kleck, “There appears to be stronger evidence pointing to theft as a major source of guns for criminals than illicit trafficking.” Perhaps half of the guns obtained by criminals have been stolen at some time in the past, though not necessarily by the criminal who most recently possessed it and used it in a crime. Kleck estimates that as many as 750,000 guns are stolen each year.27 Of the inmates interviewed by sociologists James Wright and Peter Rossi in 1986, thirty-two percent said that they stole their most recently acquired handgun; 46% stated that their most recently acquired handgun was “definitely stolen,” while another 24% said the gun was “probably stolen.”28 Even in countries with strong prohibitory regimes (like Japan and Holland), criminals are able to obtain handguns relatively easily on the black market. We can reasonably estimate that there would be a stock of some 100 million or more handguns in private hands by the time National Handgun Prohibition was enacted (assuming booming sales in the 4–5 years leading up to prohibition). The handgun black market would be supplied by imports, stolen handguns, handguns illegally produced in clandestine workshops, and handguns given away or sold by lawful owners, who oppose the law or who, for a profit, are willing to risk getting caught.

Who do we disarm? Idk! Spec it!

Jacobs 12. James B. Jacobs. Can Gun Control Work? Chapter: Prohibition and Disarmament. Published to Oxford Scholarship Online: March 2012. NP 2-6-16.

Any handgun disarmament plan has to face the question of exemptions: Who will be permitted to continue to possess a handgun? Exemptions are infectious; each one triggers demands for more. The more exceptions, the weaker disarmament's legitimacy. Even the most fervent prohibitionists do not suggest that federal, state, and local law enforcement agents would have to give up their handguns.29 Apparently, they accept that armed police will be necessary, at least during a lengthy transitional period, when criminals (who today ignore felony (p.166) sentences for illegally possessing handguns) would continue to possess and use handguns (as well as knives and other lethal weapons). The police would surely need handguns to apprehend and protect themselves from such criminals. But if the police go about armed, private citizens might well take it as a sign that the social environment is dangerous and conclude that they, too, need handguns for protection. Should they then be prosecuted for wanting to protect themselves and their families? Of course, there will be a proportionally small, but numerically sizeable (and vocal), minority who will perceive the attempt by the government to monopolize firearms as a giant step toward an authoritarian state. Will only the police remain armed or will other groups also obtain exemptions? What about other law enforcement officials (prison guards, court officers, probation and parole officers) and private police, especially those who guard banks, nuclear installations, museums, and high-end jewelry stores? What about campus police? School police? It is hard to believe that as long as many criminals remain armed, we could expect persons charged with many private security functions, to operate without handguns. There are more private police in the United States, engaged in protecting persons (e.g., university students) and property (e.g., factories, stores, and homes) than there are public police. Are we prepared to deny them firearms? If not, what is left of the disarmament regime? If private security guards are permitted to bear arms, what about the owners, managers,

### Jacobs

Guns aren’t intrinsically violent – they’re used for other things

Jacobs 4. James B. Jacobs. Can Gun Control Work? Chapter: Impediments to More Gun Controls. Published to Oxford Scholarship Online: March 2012. Print Publication Date: 2004. NP 2-6-16.

In addition to hunters, 12.7 million Americans claim to participate in target shooting. (By comparison, 11.2 million Americans play tennis, 15.6 million Americans play softball, and 22.5 million jog for recreation.19) (p.43) There are more than 9,000 outdoor shooting ranges in the United States.20 The NRA sponsors approximately 1,500 shooting competitions annually. The following organizations are just a few of those that exist to promote shooting sports: the National Firearms Association, National Skeet Shooting and Sports Clays Association, National Association of Shooting Sports Athletes, and United States Practical Shooting Association.21 Local pistol and rifle clubs across the United States provide a milieu where enthusiasts socialize around hunting and shooting.22 The magazines indicate the kinds of interests that gun owners have and the articles they read to reinforce their interests. There are specialty magazines for practically every one of the different types of shooting sports: airguns, indoor and outdoor handgun competitions, handgun silhouette tournaments, indoor and outdoor rifle shooting, skeet shooting, clay target shooting, cowboy action shooting, and others. There are also numerous magazines devoted to firearms qua firearms, including American Handgunner (circulation 148,000), American Rifleman (1,365,000), Guns & Ammo (585,000), and Handguns (158,000).23 We are not dealing here with some arcane activity for a few aficionados, but with a highly popular product which, like cars, millions of people enjoy using safely, and a small minority misuses with horrendous results.

Huge resistance

Jacobs 4. James B. Jacobs. Can Gun Control Work? Chapter: Impediments to More Gun Controls. Published to Oxford Scholarship Online: March 2012. Print Publication Date: 2004. NP 2-6-16.

U.S. federalism, a large and entrenched gun subculture, the lobbying strength of the NRA, and the widespread belief of millions of Americans that the Constitution guarantees their right to keep and bear arms pose major political obstacles to the passage of federal gun controls, other than those directed at punishing criminal use of guns. Beyond that, the fervent belief by a large percentage of gun owners that gun controllers ultimately intend to confiscate all personal firearms means that if any strong gun controls were enacted, they would encounter widespread noncompliance and resistance, including jury nullification. Since approximately 45% of American households contain a firearm, there is nearly a 100% chance that every 12-person jury will contain at least one gun owner, which is all that would be needed to prevent conviction. The analysis in this book does not depend on which interpretation of the Second Amendment is correct. If the Second Amendment preserves only the state militia and not the individual's right to keep and bear arms, there is no constitutional limitation on federal firearms policy, as long as Congress has authority to legislate under the commerce clause or some other clause. In that case, the policy questions this book addresses are crucial: Are there any practical, feasible, enforceable, and cost-effective (p.57) options for more effective federal regulation of firearms and firearm owners? If the gun rights advocates are correct, and the Second Amendment guarantees individual Americans a right to keep and bear arms, gun control is certainly not rendered moot. Because all rights are subject to limitations (i.e., time, place, manner, restrictions on free speech), reasonable gun controls would be compatible with the Second Amendment. Congress could still impose all the policy options (except firearms prohibition) examined in this book.

## Debrabander

DeBrabander 15, Firmin. Do Guns Make Us Free? Democracy and the Armed Society. Yale University Press. 2015.

## Nagel

#### Cultural imposition of values is impermissible under Rawls

Nagel, Thomas. Rawls and Liberalism. Cambridge Companions Online http://universitypublishingonline.org/cambridge/companions/ The Cambridge Companion to Rawls Edited by Samuel Freeman Book DOI: http://dx.doi.org/10.1017/CCOL0521651670 Online ISBN: 9780511998850 Hardback ISBN: 9780521651677 Paperback ISBN: 9780521657068 Chapter 1 - Rawls and Liberalism pp. 62-85 Chapter DOI: http://dx.doi.org/10.1017/CCOL0521651670.002 Cambridge University Press. NP 3/20/16

What this position opposes, in particular, is one or another form of perfectionism based on commitment to a particular contested idea of the ends of life and insistence that it is the proper role of a polit- ical community to guide its members in that direction by coercion, education, the exclusion of other options, and control of the cultural environment. Rawls opposes perfectionism not merely because the contest for religious or cultural hegemony has divisive results and is potentially dangerous for all parties. That would be to accept plural- ism and toleration as a mere modus vivendi, necessary for practical reasons though falling short of the ideal. Rawls believes, on the con- trary, that pluralism and toleration with regard to ultimate ends are conditions of mutual respect between citizens that our sense of jus- tice should lead us to value intrinsically and not instrumentally. In the original position, this ideal receives formal expression through the fact that parties to the hypothetical contract are supposed not to know their own full conception of the good – so they have to choose principles of justice based on a thin, purely formal conception that they know would be consistent with any of the thicker conceptions that might be their actual one. This feature of the veil of ignorance, like not knowing one’s race or class background, is required because Rawls holds that equal treatment by the social and political systems of those with different comprehensive values is an important form of fairness.

## Aronson

#### Mild punishment creates more attitude change than harsh punishment.

Aronson 99 Elliot Aronson [Professor Emeritus @ UC Santa Cruz, named in 100 most eminent psychologists of 20th century; only person to receive American Psychological Association (APA) awards for distinguished writing, teaching, research] The Social Animal, Eighth Edition. New York: Worth, 1999. NP 3/30/99

Insufficient Punishment. Thus far, I have been discussing what happens when a person's rewards for saying or doing something are meager. The same process works for punishment. In our everyday lives, we are continually faced with situations wherein those who are charged with the duty of maintaining law and order threaten to punish us if we do not comply with the demands of society. As adults, we know that if we exceed the speed limit and get caught, we will end up paying a substantial fine. If it happens too often, we will lose our licenses. So we learn to obey the speed limit when there are patrol cars in the vicinity. **Youngsters** in school know **that if they cheat** on an exam **and get caught, they could be** humiliated by the teacher and **severely punished.** So they learn not to cheat while the teacher is in the room watching them. But does **harsh punishment** teach them not to cheat? I don't think so. I think it **teaches them to try to avoid getting caught**. In short, **the use of** threats of **harsh punishment as a means of getting someone to refrain from doing something** he or she enjoys doing **necessitates constant harassment and vigilance. It would be much more ef- ficient** and would require much less noxious restraint **if**, somehow, **people could enjoy doing those things that contribute to** their own health and welfare—and to **the** health and **welfare of others**. If children enjoyed not beating up smaller kids or not cheating or not stealing from others, then society could relax its vigilance and curtail its punitiveness. It is extremely difficult to persuade people (especially young children) that it's not enjoyable to beat up smaller people. But it is conceivable that, under certain con- ditions, they will persuade themselves that such behavior is unen- joyable. Let's take a closer look. **Picture** the scene: **You are the parent of a** 5-year-old **boy who enjoys beating up his** 3-year-old **sister.** You've tried to reason with him, but to no avail. So, to protect the welfare of your daughter and to make a nicer person out of your son, you begin to punish him for his aggressiveness. As a parent, you have at your disposal a number of punishments that range from extremely mild (a stern look) to extremely severe (a hard spanking, forcing the child to stand in the corner for 2 hours, and depriving him of tele- vision privileges for a month). The more severe the threat, the greater the likelihood that the youngster will mend his ways while you are watching him. But he may very well hit his sister again as soon as you turn your back. **Suppose** instead **you threaten him with a very mild punishment**. **In either case** (under the threat of severe or mild punishment), **the child** experiences dissonance. He **is aware that he is not beating up his** little **sister and he** is also **aware** that **he would** very much **like to beat her up. When he has the urge to hit his sister and doesn't, he asks himself,** in effect, **"How come I'm not** beating up my little sis- ter?" **Under a severe threat, he has a ready-made answer in the form of sufficient external justification: "I'm not beating her up because, if I do, that giant over there (my father) is going to spank me**, stand me in the corner, and keep me from watching TV for a month." **The severe threat has provided** the child **ample external justification** for not hitting his sister while he's being watched. **The child in the mild-threat situation experiences dissonance**, too. But **when he asks** himself, **"How come I'm not beating up my** little **sister?" he doesn't have a good answer because the threat is so mild** that **it does not provide abundant justification.** **The child is not doing something he wants to do**—and **while he does have some justification for not doing it, he lacks complete justification**. In this situation, he continues to experience dissonance. He is unable to reduce the dissonance by simply blaming his inaction on a severe threat. **The child must find a way to justify the fact that he is not aggressing against his little sister. The best way is to** try to **convince himself that he really doesn't like to beat his sister up, that he didn't want to do it in the first place**, and that beating up little kids is not fun. **The less severe the threat, the less external justification; the less external justification, the greater the need for internal justification. Allowing** people **the opportunity to construct their own** inter-Self-Justification 217 nal **justification can be a large step toward helping them develop a permanent set of values.**

#### Empirical study supporting theory behind above card (may not need it)

To test this idea, I performed an experiment at the Harvard University nursery school in collaboration with J. Merrill Carl- smith.42 For ethical reasons, we did not try to change basic values like aggression; parents, understandably, might not approve of our changing important values. Instead, we chose a trivial aspect of be- havior—toy preference.

We first asked 5-year-old children to rate the attractiveness of several toys; then, in each instance, we chose one toy that the chil- dren considered quite attractive and told them they couldn't play with it. We threatened half of the children with mild punishment for transgression—-"I would be a little angry"; we threatened the other half with more severe punishment—"I would be very angry; I would have to take all of the toys and go home and never come back again; I would think you were just a baby."After that, we left the room and allowed the children to play with the other toys—and to resist the temptation of playing with the forbidden one. All the chil- dren resisted the temptation; none played with the forbidden toy.

On returning to the room, we asked the children again to rate the attractiveness of all the toys. The results were both striking and exciting. Those children who underwent a mild threat now found the forbidden toy less attractive than before. In short, lacking adequate external justification for refraining from playing with the toy, they succeeded in convincing themselves that they hadn't played with it because they didn't really like it. On the other hand, the toy did not become less attractive for those who were severely threat- ened. These children continued to rate the forbidden toy as highly desirable; indeed, some even found it more desirable than they had before the threat. The children in the severe-threat condition had good external reasons for not playing with the toy—and they there- fore had no need to find additional reasons; consequently, they con- tinued to like the toy.

Jonathan Freedman43 extended our findings and dramatically illustrated the permanence of the phenomenon. He used as his "crucial toy" an extremely attractive battery-powered robot that scurries around, hurling objects at a child's enemies. The other toys were sickly by comparison. Naturally, all of the children preferred the robot. He then asked them not to play with that toy, threatening some children with mild punishment and others with severe pun- ishment. Then he left the school and never returned. Several weeks later, a young woman came to the school to administer some paper- and-pencil tests to the children. The children were unaware of the fact that she was working for Freedman or that her presence was in any way related to the toys or the threats that had occurred earlier. But it just so happened that she was administering her test in the same room Freedman had used for his experiment—the room where the same toys were casually scattered about. After she admin- istered the test to the children, she asked them to hang around while she scored it—and suggested, off-handedly, that they might want to amuse themselves with those toys someone had left in the room.

Freedman's results are highly consistent with our own. The overwhelming majority of the children who had been mildly threatened weeks earlier refused to play with the robot; they played with the other toys instead. On the other hand, the great majority

of the children who had been severely threatened did, in fact, play with the robot. In sum, a severe threat was not effective in inhibit-

ing subsequent behavior—but the effect of one mild threat inhib-

ited behavior as much as 9 weeks later. Again, the power of this phenomenon rests on the fact that the children did not come to de- value this behavior (playing with the toy) because an adult told

them it was undesirable; they convinced themselves that it was unde- sirable. My guess is that this process may well apply beyond mere toy preference to more basic and important areas, such as the con- trol of aggression. Partial support for this guess can be derived from some correlational studies performed in the area of child develop- ment indicating that parents who use severe punishment to stop a child's aggression tend to have children who, while not very aggres- sive at home, display a great deal of aggression at school and at play away from home.44 This is precisely what we would expect from the compliance model discussed in Chapter 2.

#### Prisons up recidivism/don’t deter (there is probably newer evidence for this)

What about the prisons in our own country—institutions of punishment that are quite severe and restrictive? Though it may seem intuitively correct to think that putting a criminal in such a harsh environment would deter that person from committing

crimes in the future, there is precious little evidence to support such an assumption.105 In fact, as this analysis would predict, imprison- ment may have the opposite effect. Determining its specific conse- quences is difficult, however; in most instances, it is impossible to isolate the effects of being incarcerated because too many other factors influence the person in that situation. Do former inmates wind up returning to prison simply because they are criminal types? In other words, are repeat offenders a select group of "hardened" criminals who would devote themselves to a life of crime no matter how severe the punishment? Are prisons oppressive and violent be- cause prisoners are antisocial and immoral and because guards are authoritarian and sadistic? While these possibilities usually are

hard to test in the real world, two studies in particular provide evi- dence that prisons fail to deter crime among the inmates who are released and that their violent and dehumanizing nature is not merely due to the personalities of the prisoners and the guards. A Supreme Court decision provided the opportunity for the first study,106 isolating the effects of imprisonment on recidivism. In 1963, after the Gideon v. Wainwright ruling that people could not be convicted of a felony without being provided with a lawyer, a number of the inmates of Florida prisons were released before the ends of their sentences. The only systematic difference between these prisoners and those remaining in jail was that the released prisoners had not previously been represented by counsel. Thus, re- searchers could compare two groups of convicts that were nearly identical; some had been prematurely released, and others had been punished and "rehabilitated" to the full extent of their sentences. In terms of recidivism, a startling difference emerged between the two groups: The prisoners who served their complete term were twice as likely to return to prison as those who were released early. Does this mean that harsh punishment does not reduce crime? Not nec- essarily. While this study does offer persuasive evidence that lengthy prison terms do not deter the future criminal behavior of

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released inmates, it does not completely rule out the possibility that the mere prospect of harsh punishment might curb the criminal tendencies of those who have never been convicted. It is certainly possible that the threat of punishment deters many would-be crim- inals from ever breaking the law in the first place.

#### More evidence severe punishment doesn’t internally solve

Further evidence along these lines indicates that, while severe punishment frequently results in compliance, it rarely produces in- ternalization. In order to establish long-term nonaggressive behav- ior patterns, it is important to induce people, when they are still children, to internalize a set of values that denigrates aggressive be- havior. In two separate experiments discussed more fully in Chapter 5, both Merrill Carlsmith and I and Jonathan Freedman108 demon- strated that, with young children, threats of mild punishment are far more effective than threats of severe punishment. Although these highly controlled experiments dealt only with toy preference in chil- dren, they strongly suggest that threats of mild (rather than severe) punishment would curb aggression in the same way.

Here's how it works. Suppose a mother threatens to punish her young son in order to induce him to refrain, momentarily, from ag- gressing against his little sister. If she is successful, her son will ex- perience dissonance. The cognition "I like to wallop my little sister" is dissonant with the cognition "I am refraining from walloping my little sister." If he were severely threatened, he would have an abun- dantly good reason for refraining; he would be able to reduce disso- nance by saying, "The reason I'm not hitting my sister is that I'd get the daylights beaten out of me if I did—but I sure would like to."

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However, suppose his mother threatens to use a punishment that is mild rather than severe—a punishment just barely strong enough to get the child to stop his aggression. In this instance, when he asks himself why he's not hitting his infinitely hittable little sister

at the moment, he can't use the threat as a way of reducing disso- nance—that is, he can't easily convince himself that he would be

walloped if he hit his sister simply because it's not true—yet he

must justify the fact that he's not hitting his sister. In other words,

his external justification (in terms of the severity of the threat) is

minimal; therefore, he must add his own in order to justify his re-

straint. He might, for example, convince himself that he no longer

enjoys hitting his little sister. This would not only explain, justify,

and make sensible his momentarily peaceful behavior, but more

important, it would decrease the probability of his hitting his little sister in the future. In short, a counteraggressive value would have been internalized. He would have convinced himself 'that, for him, hitting someone is neither desirable nor fun.

This general notion has been applied with some success in the

real world of the schoolyard. David Olweus,109 working in the Nor- wegian school system, was able to curtail the prevalence of bullying behavior by as much as 50 percent by training teachers and admin- istrators to be vigilant to the problem and to take swift but moder- ate punitive action. Taken as a whole, this research indicates that children, who have not yet formed their values, are more apt to de- velop a distaste for aggression if the punishment for aggressive ac- tions is both timely and not terribly severe.

#### Guns increase the chance of aggression.

Aronson 99 Elliot Aronson [Professor Emeritus @ UC Santa Cruz, named in 100 most eminent psychologists of 20th century; only person to receive American Psychological Association (APA) awards for distinguished writing, teaching, research] The Social Animal, Eighth Edition. New York: Worth, 1999. NP 3/30/99

Similarly, the mere presence of an object associated with aggression can act as an aggressive cue. In another study,73 college students were made angry: Some of them were made angry in a room in which a rifle was left lying around (ostensibly from a previous experiment) and others in a room in which a neutral object (a badminton racket) was substituted for the rifle. Subjects were then given the opportunity to administer some electric shocks to a fellow college student. Those individuals who had been made angry in the presence of the aggressive stimulus administered more electric shocks than did those made angry in the presence of the badminton racket. This is another example of priming, first encountered in Chapter 4; in this instance, certain cues associated with aggression act to increase a person's tendency to aggress. These studies point to an opposite conclusion from the slogan often seen on bumper stickers—"Guns don't kill people, people do." As Berkowitz puts it, 'An angry person can pull the trigger of his gun if he wants to commit violence; but the trigger can also pull the finger or otherwise elicit aggressive reactions from him, if he is ready to aggress and does not have strong inhibitions against such behavior."74

## Sentimentalism

Of course we are afraid of snakes and spiders in our current environment, so is it really evolution that explains Ohman's results? If this counterargument were true, then people should respond to other dangerous objects in our current environment, such as guns and electrical outlets, just as they do to spiders and snakes. But that is not what Ohman found. It took just as long to condition fear to guns and electrical outlets as it took to condition fear to flowers, mushrooms, and geometric objects. Guns and electrical outlets have not been enough for natural selection to ahve developed them into universal triggers.

1. Annual data from 1961–94 are used to estimate a supply and demand model for the new handgun market. The influence of price, income, expenditures on police protection, the violent crime rate, the Gun Control Act of 1968, and the Brady Handgun Violence Prevention Act of 1993 on the number of new handguns per capita is explored. The demand for handguns is elastic; a 1 percent increase in the price of handguns lowers the quantity demanded by 2–3 percent. Further, the demand for handguns is sensitive to the price of other firearms, such as shotguns, to per capita expenditures on law enforcement, and to the lagged violent crime rate. The demand for new handguns increased in the period preceding implementation of the Gun Control Act and the Brady Act. Finally, implementation of the Gun Control Act of 1968 does not appear to have significantly impacted the supply of new handguns. Annual data for the study were compiled from a variety of sources, including

   The Economic Report of the President, 1999, and the Bureau of

   Alcohol Tobacco and Firearms. In addition, information from Justice Employment

   and Expenditure Extracts (1992), various issues of the Statistical

   Abstract of the United States, and the NBER Manufacturing Productivity

   Database were employed. The usable sample covers the years from 1961

   through 1994.

   We obtained information on real per capita disposable personal income

   and the U.S. population from The Economic Report of the President, 1999.

   The Department of the Treasury publication Commerce in Firearms in the

   United States, February 2000, contains information on producer price indexes

   for handguns and shotguns, as well as information on new handgun availability

   in the United States. The number of new handguns per thousand people

   over the sample period is shown in Figure 1.

   The quantity of handguns is the sum of domestically manufactured handguns

   in year t minus exports in year t plus imports in year t. The quantity

   measure does not distinguish between handguns in the hands of civilians and

   those held in inventory by firearm retailers.12 Assuming that the inventory

   behavior of firearm retailers is constant over the sample period, our quantity

   11 The Firearm Owners Protection Act also prohibited the manufacture of machine guns for

   civilian use. 12 The quantity measure does not include firearms produced and sold to the military.

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   Figure 1.—New handguns per thousand persons

   measure serves as a close proxy for the number of handguns purchased. It

   is also important to note that the quantity variable measures the annual flow

   of new handguns to the market. At this time information on the second-hand

   handgun market has not been located.

   To measure the price of guns we employ a relative price index similar to

   the one presented in Commerce in Firearms in the United States, February

   2000. A producer price index for handguns is divided by the producer price

   index for finished consumer goods. The relative price of shotguns is measured

   in a comparable manner: the ratio of a producer price index for shotguns to

   the producer price index for finished consumer goods.13

   Productivity and factor price information is taken from the NBER Manufacturing

   Productivity Database. This information is provided for four-digit

   Standard Industrial Classification (SIC) codes. The study includes total factor

   productivity. Total factor productivity is an index composed of output divided

   by a weighted average of the inputs used. The weights are the input’s prices

   in a selected year.14 It is important to note that the SIC code for small arms

   13 There were several missing values for the respective producer price indexes for handguns

   and shotguns. For handguns, the values for 1970 and 1971 were missing. For shotguns, the

   values for 1982, 1983, and 1984 were missing. Values for the missing observations were

   imputed. Possible specification problems were explored by including dummy variables in the

   specifications of the structural equations. 14 Total factor productivity can be thought of as the inverse of a Laspeyres average cost

   index.

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   market for handguns 259

   manufacture, 3484, includes the production of handguns, rifles, carbines,

   grenade launchers, and other weapons. In 1992, there were 177 companies

   in this SIC code, and the Hershmann-Herfinadahl Index was 679. [↑](#footnote-ref-1)
2. Annual data from 1961–94 are used to estimate a supply and demand model for the new handgun market. The influence of price, income, expenditures on police protection, the violent crime rate, the Gun Control Act of 1968, and the Brady Handgun Violence Prevention Act of 1993 on the number of new handguns per capita is explored. The demand for handguns is elastic; a 1 percent increase in the price of handguns lowers the quantity demanded by 2–3 percent. Further, the demand for handguns is sensitive to the price of other firearms, such as shotguns, to per capita expenditures on law enforcement, and to the lagged violent crime rate. The demand for new handguns increased in the period preceding implementation of the Gun Control Act and the Brady Act. Finally, implementation of the Gun Control Act of 1968 does not appear to have significantly impacted the supply of new handguns. Annual data for the study were compiled from a variety of sources, including

   The Economic Report of the President, 1999, and the Bureau of

   Alcohol Tobacco and Firearms. In addition, information from Justice Employment

   and Expenditure Extracts (1992), various issues of the Statistical

   Abstract of the United States, and the NBER Manufacturing Productivity

   Database were employed. The usable sample covers the years from 1961

   through 1994.

   We obtained information on real per capita disposable personal income

   and the U.S. population from The Economic Report of the President, 1999.

   The Department of the Treasury publication Commerce in Firearms in the

   United States, February 2000, contains information on producer price indexes

   for handguns and shotguns, as well as information on new handgun availability

   in the United States. The number of new handguns per thousand people

   over the sample period is shown in Figure 1.

   The quantity of handguns is the sum of domestically manufactured handguns

   in year t minus exports in year t plus imports in year t. The quantity

   measure does not distinguish between handguns in the hands of civilians and

   those held in inventory by firearm retailers.12 Assuming that the inventory

   behavior of firearm retailers is constant over the sample period, our quantity

   11 The Firearm Owners Protection Act also prohibited the manufacture of machine guns for

   civilian use. 12 The quantity measure does not include firearms produced and sold to the military.

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   Figure 1.—New handguns per thousand persons

   measure serves as a close proxy for the number of handguns purchased. It

   is also important to note that the quantity variable measures the annual flow

   of new handguns to the market. At this time information on the second-hand

   handgun market has not been located.

   To measure the price of guns we employ a relative price index similar to

   the one presented in Commerce in Firearms in the United States, February

   2000. A producer price index for handguns is divided by the producer price

   index for finished consumer goods. The relative price of shotguns is measured

   in a comparable manner: the ratio of a producer price index for shotguns to

   the producer price index for finished consumer goods.13

   Productivity and factor price information is taken from the NBER Manufacturing

   Productivity Database. This information is provided for four-digit

   Standard Industrial Classification (SIC) codes. The study includes total factor

   productivity. Total factor productivity is an index composed of output divided

   by a weighted average of the inputs used. The weights are the input’s prices

   in a selected year.14 It is important to note that the SIC code for small arms

   13 There were several missing values for the respective producer price indexes for handguns

   and shotguns. For handguns, the values for 1970 and 1971 were missing. For shotguns, the

   values for 1982, 1983, and 1984 were missing. Values for the missing observations were

   imputed. Possible specification problems were explored by including dummy variables in the

   specifications of the structural equations. 14 Total factor productivity can be thought of as the inverse of a Laspeyres average cost

   index.

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   market for handguns 259

   manufacture, 3484, includes the production of handguns, rifles, carbines,

   grenade launchers, and other weapons. In 1992, there were 177 companies

   in this SIC code, and the Hershmann-Herfinadahl Index was 679. [↑](#footnote-ref-2)
3. The National Crime Victimization Survey (NCVS) is the primary source of information in the United States on the nature and extent of criminal victimization. The NCVS collects information on nonfatal personal crimes (rape or sexual assault, robbery, aggravated and simple assault, and personal larceny) and household property crimes (burglary, motor vehicle theft, and other theft) both reported and not reported to police. It is conducted by the U.S. Census Bureau for the Bureau of Justice Statistics. NCVS is a self-report survey in which respondents are asked about victimizations experienced during the prior 6 months. Data are obtained from a sample of about 90,000 households, comprising nearly 160,000 individuals which are weighted to be nationally representative. Response rates are typically over 85% for both households and eligible persons. Each household is interviewed twice during the year. Household remain in the sample for 3 years, and eligible persons in these household are interviewed every six months for a total of seven interviews. The first interview is typically in-person with subsequent interviews by phone. The NCVS is administered to household members age 12 or older. Excluded are persons living in military barracks and institutional settings, such as correctional facilities. Victimizations that occurred outside of the United States (less than 1% of all victimizations) are excluded. Data for the current study come from the NCVS for a five year period, 2007–2011. To examine the epidemiology of self-defense gun use, we examined only incidents that involved some degree of personal contact between the offender and the victim—incidents in which a selfprotective action was possible. This includes all assaults (both sexual and non-sexual), robberies, in-person verbal threats and purse snatching, as well as a fraction of burglaries and other thefts. This same subsample of crimes is used to examine the effectiveness of selfdefense gun use and other self-protective actions on the likelihood of victim injury. To examine the effect of self-defense gun use on property loss, we examine a different subset of crimes—those where the primary intent was to steal property. This subset includes all robberies, personal contact larcenies and personal contact burglaries, but not assaults, sexual assaults or verbal threats. Victims are asked, “Was there anything you did or tried to do about the incident while it was going on?” If they say yes, then they are asked “What did you do?” and the answer is classified into one of sixteen types of self-protective action. Victims are then asked “Anything else?” until they have volunteered all the self-protective actions taken. Thus each victim could name many actions. In our analysis, the variable for each action indicates whether the victim did or did not take that particular action. We reduced the sixteen actions to thirteen by combining “Attached offender with a gun” and “Threatened offender with a gun” into “Attacked or threatened with gun” and likewise for “other weapon” and “without weapon.” To ensure that significance tests were not distorted, we used the NCVS “incident weights” but then adjusted them so that the apparent sample size was equal to the actual unweighted sample size. While Lohr and Liu (1994) find that weights are not always necessary when using the NCVS for complex analysis, they also say that weighted estimates are more robust to misspecification of the model and that standard errors are generally higher, leading us to conclude that weighting is the more conservative choice. We used chi-square tests to test for significance. For specific self-defense actions, significant tests compared taking that specific action to not taking that specific action. We defined “at home” as inside respondent's own lodging (dwelling, attached garage, enclosed porch, detached building on own property, vacation home/second home). The NCVS divides locations into rural and urban; because of the perceived high rates of crime in many large cities, we subdivided the urban group into locations with population b 1,000,000 and with population ≥1,000,000 (large urban). Victims were classified as being injured after they took protective action if they were injured concurrently or after taking protective action. We analyzed the data both including (shown in tables) and not including (not shown) incidents in which the victim did not take any protective action. We define “crimes of violence” as assaults, sexual assaults and robberies; not included as crimes of violence are verbal threats, pick pocketing and property crimes. In multivariate analyses we control for age, gender, event occurring at home or away from home, in rural, urban or large urban areas, whether the offender was a male or female, whether the offender had a gun, and thirteen specific self-protective actions the victim might take. As the NCVS data are publicly available and do not contain personal identifiers, the Harvard School of Public Health Institutional Review Board deemed this study to be exempt. [↑](#footnote-ref-3)
4. The National Crime Victimization Survey (NCVS) is the primary source of information in the United States on the nature and extent of criminal victimization. The NCVS collects information on nonfatal personal crimes (rape or sexual assault, robbery, aggravated and simple assault, and personal larceny) and household property crimes (burglary, motor vehicle theft, and other theft) both reported and not reported to police. It is conducted by the U.S. Census Bureau for the Bureau of Justice Statistics. NCVS is a self-report survey in which respondents are asked about victimizations experienced during the prior 6 months. Data are obtained from a sample of about 90,000 households, comprising nearly 160,000 individuals which are weighted to be nationally representative. Response rates are typically over 85% for both households and eligible persons. Each household is interviewed twice during the year. 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In multivariate analyses we control for age, gender, event occurring at home or away from home, in rural, urban or large urban areas, whether the offender was a male or female, whether the offender had a gun, and thirteen specific self-protective actions the victim might take. As the NCVS data are publicly available and do not contain personal identifiers, the Harvard School of Public Health Institutional Review Board deemed this study to be exempt. [↑](#footnote-ref-4)